A

DISSERTATION

ON THE

CIVIL GOVERNMENT

OF THE

HEBREWS.

IN WHICH

The True DESIGNS, and NATURE of their Government are explained.

The *Juſtice*, *Wiſdom* and *Goodneſs* of the MOSAICAL CONSTITUTIONS, are vindicated:

In Particular,

From ſome late, unfair and falſe Repreſentations of them in the

MORAL PHILOSOPHER.

To which is added,

An APPENDIX, in which ſome Parts of that Government are farther explain'd and vindicated; and ſome more unfair and falſe Repreſentations of it by the MORAL PHILOSOPHER are detected.

AND

CONSIDERATIONS on the Rev. Mr. *Foſter*'s DISCOURSE of the *Jewiſh Theocracy*, VOL. III. SERM. XV.

By *MOSES LOWMAN.*

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E R R A T A.

PAGE 95, *Note line* 10, *for* libamida *read* libamina. *p.* 147, *Note, for* יפרו *read* יפרנ. *p.* 168. *l.* 17. *for* with *read* wrote. *p.* 188, *at the Bottom, for* Judges *read* Judes. *p.* 253, *l.* 16, *for* Inquiry *read* Injury. *p.* 276, *l.* 14, *for* he *read* his. *p.* 343, *l.* 25, *for* of *read* or.

CMC
MVSEVM
BRITANNICVM

TO

Sir RICHARD ELLYS, Bart.

SIR,

YOU was pleaſed to favour the Deſign of the following Diſſertation with your Approbation, when I had the Honour to lay it before you; and to aſſiſt my Enquiry into a Subject ſomewhat uncommon, with the Uſe of your noble Library. What owes ſo much to your Encouragement, is now humbly offered to you for your Patronage.

You will perceive, from your hearty Concern for the Honour of Revelation, the Importance of diſcovering the Fallacy of the more popular Objections againſt the *Hebrew* Conſtitution, and of ſhewing them to be groundleſs and unreaſonable; whatever Influence they may have on an Age inclined to Unbelief, and where Ignorance of the true Deſigns and Nature of the *Hebrew* Government makes it not eaſy for all to find out the Fallacy of the Objections, or the moſt proper Anſwers to them.

It will give me much better Hope, this Diſſertation may be of ſome Service to the World, if it ſhall appear to anſwer this Deſign in the Judgment of a Perſon, whoſe extenſive and accurate Knowledge in the ſeveral Parts of Learning, whoſe great Underſtanding in particular in the Language, Laws and Cuſtoms of the *Hebrews*, Civil and Religious, enables him to diſcern ſo clearly through all Obſcurity of the Subject, the juſt Weight of any Reaſons offered in Vindication of the divine Wiſdom and Goodneſs of this Part of Revelation.

Gentlemen of higher Rank and Underſtanding, have a very uſeful Influence, when Examples of Virtue and Religion: Where it appears they are themſelves well perſuaded of the Truths of Revelation, by making the Doctrines it teaches the Rule of their Lives, and the Hopes it gives the Foundation of their Peace and Joy; it ſerves much to break the Force and Prejudice of Cuſtom, in favour of Unbelief. Minds not quite loſt in Infidelity, or Vice, will reſpect the Judgment of the wiſe, the unbiaſſed, and impartial; and the Example of the knowing, the judicious and the virtuous, more than the Opinions of the ignorant, and thoughtleſs, or than the Practice of the prejudiced, or the vicious.

This, Sir, is a publick Uſefulneſs, even in the Retirements of private Life: It ſerves the moſt deſirable publick Good, as it promotes national

national Virtue and Righteouſneſs, which beſt eſtabliſh and exalt a Nation.

This is moreover a real perſonal Honour in the ſight of God, as well as in the Eſteem of the beſt of Men; a moſt valuable Ornament and Addition to Honours derived from ancient and noble Families, from eminent and illuſtrious Anceſtors.

That it may pleaſe God to prolong a Life ſo deſirable for the publick Good, and grant you the Support and Comforts of the Chriſtian Hope, in whatever the Providence of God may appoint for the Exerciſe and Improvement of your Faith and Patience; and finally crown you with the unmixed Happineſs of that Life and Immortality brought to light in the Chriſtian Revelation, is the hearty Prayer of,

SIR,

Your moſt faithful

obliged humble Servant,

MOSES LOWMAN.

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INTRODUCTION.

IT is ſomewhat ſurprizing, that when ſo many able Hands have undertaken to explain the religious Rites and Ceremonies, the civil Laws and Juſtice of the *Hebrew* Church, and Commonwealth; ſo very few ſhould have undertaken to explain the Form and Polity of the Government itſelf.

The *Hebrew* Commonwealth is, without queſtion, one of the moſt ancient of the World, and juſtly looked upon as a Model of Government of divine Original; it will deſerve our Attention, as much ſure, as any of the Forms of Government in the ancient times, either among the *Egyptians*, *Greeks*, or *Romans*. It ſhould more eſpecially deſerve our Attention as Chriſtians, who own the Laws delivered by *Moſes* to the *Hebrew* Nation, to have been given by the Oracle of

God, and eſtabliſhed by Authority of the ſupreme Governour of the World; in which therefore we may expect to find a wiſe and excellent Model, becoming the Wiſdom of ſuch a Lawgiver.

It will yet farther deſerve our Attention, as a right Underſtanding of ſeveral Parts of the religious Rites and Conſtitutions of that Church will much depend upon a right Underſtanding of their civil Polity and Government; for in this Conſtitution both are much intermix'd with each other, ſo that the one is not clearly to be underſtood without the other. This Conſtitution is therefore well called a Theocracy, by *Joſephus*; or a Government of God, in which God himſelf condeſcended to govern the *Hebrew* Nation, with the Title and Authority of their King. It is to the ſame Senſe *David* ſpeaks of the Succeſſion of his Son *Solomon*, that he was *choſen to ſit upon the Throne of the Kingdom of Jehovah, over Iſrael.* So that the Laws of Religion and State, in this Commonwealth, have a great Reference to one another, God being conſidered the Object of their religious Worſhip as the one only true and ſupreme God, and their ſupreme civil Magiſtrate as the political Head of their State. Hence learned Men * have very juſtly obſerved, that the Form of the Tabernacle, the Splendor of its Ornaments, the Service

1 Chron. xxviii. 5.

* Spencer de leg. Hebræ. Diſſert. de Theocrat. Judaica, c. v. §. 1. Witſii Theocrat. Iſraelit. § ix, *&c.*

Service and Attendance of the Prieſts and Levites, and the Revenues belonging to the Tabernacle, have a Regard to the Honour and Dignity of the Crown, of the Court and Palace of the King of *Iſrael*, as well as to the religious Worſhip of the God of *Iſrael*. So that even theſe Parts of the religious Conſtitution of the *Hebrews* will be much better underſtood, by a right Knowledge of the political Conſtitutions of their Government, and by the Light ſuch Knowledge has thrown upon them, in ſeveral Inſtances, and may yet further give unto them, I apprehend, in many more.

Finally, this Knowledge of the true Conſtitution of the *Hebrew* Government will, I think, be of conſiderable Uſe on another account. Some have fallen with uncommon Severity both on the religious and political Conſtitutions of *Moſes*, and endeavoured to repreſent them not only as unwiſe and unequal, but as moſt unjuſt, tyrannical and cruel. Theſe Conſtitutions are ſaid to be "a Refinement on the Superſtition of *Egypt*; "and that to ſuppoſe or affirm any of them "of the true God, muſt be equally abſurd "and blaſphemous *."

Every Lover of Truth will juſtly expect ſo heavy a Charge, drawn up in ſo inſolent Terms, ſhould be ſupported with good Vouchers; and that the Conſtitutions of the *Hebrew* Government, as publiſhed by *Moſes*,

* Moral Philoſopher, Vol. II. 135.

ſhould plainly appear ſo abſurd, tyrannical, and blaſphemous, as they are repreſented to be, by plain Inſtances of ſome of the Conſtitutions themſelves that are ſo; whereas a right Underſtanding of the Polity of that Government, as ſettled by *Moſes* in the Name of God, would ſhew, that the moſt ſpecious Objections are meer Blunders, and Miſtakes, and are founded on an utter Ignorance of the true *Hebrew* Conſtitutions, or on ſuch Good-will to cenſure and condemn them, as dares firſt to falſify them, in order afterwards to treat them as ridiculous or criminal.

It muſt be allow'd, however, that this Subject is not without its Obſcurity. The Materials we have whereby to diſcover the political Form of this very ancient Government, are not ſo many or ſo full, as we have for ſome of the more modern Governments of *Greece*, or the Commonwealth of *Rome*. And tho' we have many Authors of *Hebrew* Republicks, who with great Diligence and Learning, have treated of their Religion; yet few have treated with Exactneſs and Judgment, of the political Government of their State.

The *Jus privatum* of the *Hebrews*, the Laws, Judges, and Courts, whereby private Juſtice was adminiſtred between Man and Man, and their Perſons and Properties defended againſt private Fraud and Violence, have been largely conſidered by Authors of great

Judgment and Learning, who have ſhewn with plain Evidence, that they are every way equal for Wiſdom, Juſtice, and Equity, to the Laws of any the greateſt and moſt celebrated Lawgivers; many of which were very likely copied after theſe.

But the *Jus publicum*, the Form of the Government itſelf, the Orders by which, and the Officers by whom the publick Actions of Peace and War, and the collective Force of the whole Commonwealth were to be directed; and the * *Crimina læſæ Majeſtatis*, or treaſonable Offences againſt the Honour, Authority and Safety of the State in general, have been paſſed over very ſlightly by the ſame learned Authors, it may be in part, becauſe the few Materials to be found in ſo ſhort an Hiſtory, were thought inſufficient to give a juſt Model of the publick Government; and in part, becauſe the Religion and the private Juſtice of this Nation were accounted Subjects of greater Uſe and Concern.

The Materials are indeed few, and ſcanty enough; and therefore we are not to expect ſuch an Account of the *Hebrew* Government, as we have of modern Governments, of the *German* Empire, *France*, or the United Provinces, or even of the more ancient Commonwealths of *Rome*, and in *Greece*, whoſe larger Hiſtories ſhew their Conſtitutions ſo fully, as to point out the Wiſdom and Ex-

 cellency,

* Corvini Def. Juris, p. m. 264. Inſtit. iv. Tit. xviii. §. 3. de læſa Majeſtate.

cellency, or the Defects and Faults of the ſeveral Parts of them.

Yet the Hiſtory of the Settlement of the *Hebrew* Nation in the promiſed Land, and the ſeveral Laws ſtill on Record in the Books of *Moſes*, will, I apprehend, if carefully conſidered and put together, give ſuch an Account of the *Hebrew* Conſtitution, as may help us to form in general a true Idea of the Plan and Model of it; ſuch an Idea as will appear abſolutely inconſiſtent with the ambitious and tyrannical Views of an arbitrary and oppreſſive Government, with which *Moſes* has been ſo weakly, as well as falſely charged, and ſuch an Idea, as will ſhew this Conſtitution calculated in its whole Deſign, and fitted with the moſt political Wiſdom, to preſerve the Property, Liberty, and Security of the People, and therewith the Profeſſion of the true Religion and the Worſhip of the one true God, againſt the univerſal Idolatry of the World; and to ſecure them from the Danger of all Attempts, either by Foreign Force or Domeſtick Ambition: As it will clearly appear that no ſuch Attempts were ever like to ſucceed, but on a previous Alteration and Corruption of the Fundamentals of the Conſtitution itſelf; and that accordingly ſuch Change was firſt actually made, whenever any ſuch Attempts did ſucceed.

If I ſhall be able to ſet the Plan of the *Hebrew* Government in ſuch a light that my Reader may perceive, and be convinced

of

of the excellent Conſtitution of it, to maintain the Property, Liberty, Peace and Safety of the People, and to anſwer the particular Deſign of God in condeſcending to be their Lawgiver and King, to preſerve the Faith and Worſhip of the one true God in the general Apoſtacy of the World to Idolatry; I would hope my Reader may find ſome Pleaſure and ſome Profit in viewing one of the moſt ancient Conſtitutions of Government in the World, formed for one of the kindeſt Deſigns in the World, to preſerve the Knowledge and Worſhip of the one true God, from the almoſt univerſal Corruption of Idolatry.

CHAP. I.

Chief Deſign, and principal Intention of the Civil Government of the HEBREWS.

TO lay down a true Plan of the *Hebrew* Government, it will be requiſite previouſly to conſider, what particular Views the Lawgiver might have in it. If any particular Ends were deſign'd, to promote which the Plan of the Government itſelf was to be adjuſted; thoſe Deſigns will help to explain many Parts and Conſtitutions of the Government, as it will ſhew the great Wiſdom of the Legiſlature, which has made the Plan in

its ſeveral Parts moſt fit, and proper to ſerve, and ſecure thoſe Ends.

The *Hebrew* Government appears not only deſigned to ſerve the common and general Ends of all good Governments; to protect the Property, Liberty, Safety, and Peace of the ſeveral Members of the Community, in which the true Happineſs and Proſperity of National Societies will always conſiſt; But moreover *to be an holy People to Jehovah, and a Kingdom of Prieſts.* For thus *Moſes* is directed to tell the Children of *Iſrael*, *Ye have ſeen what I did unto the Egyptians, and how I bore you on Eagles Wings, and brought you unto myſelf. Now therefore if ye will hear my Voice indeed, and keep my Covenant, then ye ſhall be a peculiar Treaſure unto me above all People; for all the Earth is mine, and ye ſhall be unto me a Kingdom of Prieſts and an holy Nation.* We learn what this Covenant was in a further Account of it. *Ye ſtand this Day all of you before the Lord your God your Captains of your Tribes, your Elders and your Officers, and all the Men of Iſrael; that you ſhould enter into Covenant with the Lord thy God, and into his Oath which the Lord thy God maketh with thee this Day; that he may eſtabliſh thee to-day for a People unto himſelf, and that he may be unto thee a God, as he hath ſaid unto thee, and as he hath ſworn unto thy Fathers, to Abraham, Iſaac and to Jacob:*

Exod. xix.

Exod. xix. 3, 4, 5, 6.

Deut. xix. 10, 12, 13.

For

For ye know, adds Moſes, *how we have dwelt in the Land of Egypt, and how we came through the Nations which ye paſſed by; and ye have ſeen their Abominations and their Idols, Wood and Stone, Silver and Gold which were among them, leſt there ſhould be among you, Man, or Woman, or Family, or Tribe, whoſe Heart turneth away this Day from the Lord our God to go and ſerve the Gods of theſe Nations.* 16,17,18.

Without any Enquiry into the critical Meaning of theſe Expreſſions ſeverally, every one may eaſily ſee this general Intention of them; that the Covenant of *Jehovah* with the *Hebrew* People, and their Oath by which they bound their Allegiance to *Jehovah* their God and King, was, that they ſhould receive and obey the Laws which he ſhould appoint as their ſupreme Governour, with a particular Engagement to keep themſelves from the Idolatry of the Nations round about them, whether the Idolatry they had ſeen while they dwelt in the Land of *Egypt*, or had obſerved in the Nations by which they paſſed into the promiſed Land. In keeping this Allegiance to *Jehovah*, as their immediate and ſupreme Lord, they were to expect the Bleſſings of God's immediate and particular Protection in the Security of their Liberty, Peace, and Proſperity, againſt all Attempts of their idolatrous Neighbours; but if they ſhould break their Allegiance to *Jehovah*, or forſake the Covenant of *Jehovah*, by

Original Contract of the Hebrew Government, to prevent Idolatry, one principal Deſign of it.

by going and ſerving other Gods, and worſhipping them, then they ſhould forfeit theſe Bleſſings of God's Protection, and the Anger of *Jehovah* ſhould be kindled againſt the Land, to bring upon it all the Curſes that are written in this Book.

25,26,27.

The true Senſe then of this ſolemn Tranſaction, between God and the *Hebrew* Nation, which may be called the *original Contract* of the *Hebrew* Government, is to this Purpoſe: If the *Hebrews* would voluntarily conſent to receive *Jehovah* their Lord and King, to keep his Covenant and Laws, to honour and worſhip him as the one true God, in oppoſition to all Idolatry; then, though God as Sovereign of the World rules over all the Nations of the Earth, and all Nations are under the general Care of his Providence, he would govern the *Hebrew* Nation by peculiar Laws of his particular Appointment, and bleſs it with a more immediate and particular Protection; he would ſecure to them the invaluable Privileges of the true Religion, together with Liberty, Peace, and Proſperity, as a favoured People above all other Nations. It is for very wiſe * Reaſons you may obſerve, that temporal Bleſſings and Evils are made ſo much uſe of in this Conſtitution, for theſe were the common and prevailing Inticements to Idolatry; but by thus taking them into the *Hebrew* Conſtitution, as Rewards to Obedience, and Puniſhments of Diſobedience,

* Spencer de Leg. Hebr. §. 1. c. 3. p. 12.

obedience, they became Motives to true Religion, inſtead of Encouragements to Idolatry.

The idolatrous Nations worſhipped ſubordinate Beings, whom they owned ſubject to the Supreme; but they believed they had the immediate Direction of the Bleſſings of Life; that they gave Health, long Life, fruitful Seaſons, Plenty and Proſperity: This we are told, by * *Maimonides*, was a Doctrine taught by the *Sabians* in their Books, as well as in their Inſtructions to the People.

One of the oldeſt of the Prophets has ſo fully expreſſed this Reaſon of the *Hebrew* Conſtitution, that we need no further Evidence of it. *For their Mother hath played the Harlot, ſhe that conceived them hath done ſhamefully; for ſhe ſaid, I will go after my Lovers, that give me my Bread and my Water, my Wool and my Flax, mine Oil, and my Drink . . . For ſhe did not know that I gave her Corn, and Wine, and Oil, and multiplied her Silver and Gold, which they prepared for Baal. Therefore will I return, and take away my Corn in the Time thereof, and my Wine in the Seaſon thereof; and will recover my Wool and my Flax, given to cover her Nakedneſs.* Hoſea ii. 5, 8, 9.

The Prophet *Jeremiah* gives the ſame Reaſon why the *Jews* fell into the idolatrous Practice of burning Incenſe to the Queen of Heaven! *But we will certainly do* Jeremiah, xliv. 17, 18.

* Maimon. Mor. Nevoc. p. 3. c. 30.

do whatſoever thing goeth forth out of our own Mouths to burn Incenſe unto the Queen of Heaven, and to pour out Drink-Offerings unto her, as we have done; we, and our Fathers, our Kings and our Princes in the Cities of Judah, and in the Streets of Jeruſalem; for then had we plenty of Victuals, and were well, and ſaw no Evil: but ſince we left off to burn Incenſe to the Queen of Heaven, and to pour out Drink-Offerings unto her, we have wanted all Things, and have been conſumed by the Sword and by the Famine.

This common Doctrine of Idolatry, that the ſeveral Bleſſings of Life came from ſome Demon or Idol, to whom the Authority and Power of beſtowing temporal Bleſſings were committed, was of ſo general and powerful Influence, that it became the Wiſdom of an Inſtitution deſigned to preſerve the Faith and Worſhip of the one true God, againſt Idolatry, to aſſert, that God was the Author of every Bleſſing of Life, that he had not parted with the Adminiſtration of Providence, or given over the Diſpoſal of thoſe Bleſſings to any ſubordinate Beings whatſoever; ſo that Health, long Life, Plenty and all kinds of Proſperity, were to be ſought for from him, as his Gift, and only from his Bleſſing and Protection.

Whoever

Whoever has juſt Notions of the great Evils of Idolatry to the Diſhonour of the ſupreme Sovereign and Governour of the World, to the Corruption of the eſſential Principles of true Religion and virtuous Practice, as Idolatry directed ſo many barbarous, immoral and inhuman Rites, and encouraged ſuch enormous Acts of Vice, as Acts of Religion, of which ſome or other of the Idols they worſhipped were Examples, and were eſteemed to patronize them; it will appear to them a Deſign worthy the Goodneſs, as well as the Wiſdom of God, to put ſome Stop to ſuch a dangerous Evil: eſpecially when it was ſo general and prevailing, that all Fleſh had corrupted its way, and all the Nations of the Earth were running eagerly into it. Even the *Egyptians*, a People ſo famed for Wiſdom and good Underſtanding, were as ſenſeleſs and as corrupt in their Idolatry, as any of their Neighbours. The *Hebrews* themſelves, whatever former Care had been taken to preſerve the Knowledge of the true God, and true Religion in the Family of *Abraham*, were ſo addicted to this common Corruption of Religion, and were ſo ready to fall into it, that there ſeemed no other way left to put any ſtop to the Progreſs of Idolatry any where, or to preſerve the true Religion in any People, but by ſome Conſtitution form'd on this Plan, and which might effectually carry on this Deſign in the ſeveral Parts of it: And this the

Evil of Idolatry, Wiſdom to put a ſtop to it.

the Goodneſs and Wiſdom of God made a principal Deſign in the Conſtitution of the *Jewiſh* Government.

Another View of the Hebrew *Conſtitution, to keep the* Hebrews *from Intercourſe with Idolaters.*

More effectually to anſwer this chief Deſign, there was another ſubordinate Intention in the Conſtitution of this Government. It was of no ſmall conſequence, to keep this Nation ſeparate from other Nations, and from ſuch Intercourſe with Idolaters as might end in an Apoſtacy from their own Religion to the Idolatry of their Neighbours. There is then a Law in general given by *Moſes*, in which he is directed to ſay in God's Name to the Children of *Iſrael*, *I am the Lord your God, after the Doings of the Land of Egypt, wherein ye dwelt, ſhall ye not do; and after the Doings of the Land of Canaan, whither I bring you, ſhall ye not do; neither ſhall ye walk in their Ordinances, ye ſhall do my Judgments and keep my Ordinances to walk herein; I am Jehovah your God.*

Lev. xviii. 2, 3, 4.

Further, *Moſes* having recited the many and great Abominations committed by the *Canaanites*, on the Loſs of the right Knowledge of the one true God and of the true Religion; and through the Corruption of idolatrous Doctrines and Practices; it is added, *Defile not ye yourſelves in any of theſe things: for in all theſe the Nations are defiled, which I caſt out before you.* And again, *therefore ſhall ye keep mine Ordinance, that ye commit not any one of theſe abominable*

24, 30.

abominable Cuſtoms which were committed before you, that ye defile not yourſelves therein, I am Jehovah your God. For the ſame purpoſe it is repeated, *And ye ſhall not walk in the manners of the Nations which I caſt out before you, for they committed all theſe Things, and therefore I abhorred them; but I have ſaid unto you, ye ſhall inherit their Land, and I will give it unto you to poſſeſs it; a Land that floweth with Milk and Honey. I am the Lord your God which hath ſeparated you from other People, and ye ſhall be holy unto me; for I the Lord am holy, and have ſeparated you from other People that ye ſhould be mine.* Levit. xx. 23, 24. 26.

It had appeared by notorious Examples, how eaſily the *Hebrews* themſelves were to be enticed into Idolatry, by frequenting the Company of Idolaters, and by converſing too much and too familiarly with them, while *Iſrael* abode in *Shittim*; *The People began to commit Whoredom with the Daughters of Moab, and they called the People to the Sacrifice of their Gods; and the People did eat, and bowed down to their Gods:* So eaſy was the Paſſage from feaſting with them on their Sacrifices, to joining with them in their Idolatry. *Thus Iſrael joined himſelf to Baal-peor.* Numbers xxv. 1, 2. 3.

Such an Example of prevailing Idolatry, is juſtly given, as a ſufficient Reaſon for a careful Separation of the *Hebrew* People from idolatrous Neighbours, in order to prevent

vent ſo very dangerous Temptations in future times. *Moſes* therefore thus exhorts *Iſrael*,

Deut. iv. 3, &c. *Your Eyes have ſeen what the Lord did, becauſe of Baal-peor, the Lord thy God hath deſtroyed them from among you; but ye that did cleave unto the Lord your God, are alive every one of you this Day. Behold I have taught you Statutes and Judgments, even as the Lord my God commanded me, that you ſhould do ſo in the Land whither ye go to poſſeſs it. Keep therefore and do them, for that is your Wiſdom and your Underſtanding, in the Sight of all the Nations which ſhall hear of all theſe Statutes, and ſay, ſurely this great Nation is a great and underſtanding People.*

Among the Laws here ſpoken of, there are ſome, the Wiſdom of which appear principally, if not ſolely, as they were choſen and commanded to this end, to ſeparate the *Hebrews* from their idolatrous Neighbours, by a Prohibition of every idolatrous Rite. The Law itſelf for prohibiting Inter-marriages with Idolaters expreſly gives this Reaſon for

Deut. vii. 3, 4 it, *Neither ſhall you make Marriages with them, thy Daughter thou ſhalt not give unto his Son, nor his Daughter ſhalt thou take unto thy Son; for they will turn away thy Son from following me, that they may ſerve other Gods; ſo will the Anger of the Lord be kindled againſt you, and deſtroy thee ſuddenly.*

Many

Many other Laws, which at firſt view ſeem to be of ſmall Importance and Concern, for the enacting of which ſome look for no Reaſon at all, but the alone Will of the Lawgiver, will appear in this View, of Concern and Importance, ſufficient for the Wiſdom of God to take notice of, when he gave his Laws to this Nation. The moſt judicious of the *Hebrew* Doctors, has very well explained ſeveral of the *Moſaical* Laws upon this ſingle Conſideration.

He gives this general Reaſon for many Laws, " That they were made to keep Men " from Idolatry, and ſuch falſe Opinions as " are a-kin to Idolatry; ſuch as the Pretences " to Incantations, Divinations, foretelling " Things by the Stars, or by the Poſſeſſion " of ſome Spirit or Demon, or conſulting " with ſuch Perſons *". He farther juſtly obſerves, " That ſuch things as are ſuppoſed " to be effected by any magick Actions, or " are founded on any Diſpoſitions or Influ- " ences of the Stars, neceſſarily induce Men " to reverence and worſhip them †. He ob- " ſerves, many of the magick Rites con-

* De quibus manifeſtum eſt illa (Præcepta ſecundæ Claſſis de Idololatria) ad Homines ab Idololatria arcendos eſſe tradita, aliiſque falſis & hæreticis Opinionibus, quæ Idololatriæ ſunt affines, ut ſunt Præſtigiatorum, Incantatorum, Aſtrologorum, vel Magorum, Divinatorum, Pythonum, & Conſulentium ipſos, aliorumque hujus farinæ Hominum. *Maimon. Mor. Nevoc. l.* 3. *c.* 37.

† Quæ ex opere magico ſequuntur, & ſtellarum diſpoſitionibus & rationibus innituntur, unde neceſſario ad colendas & venerandas illas devenitur. *Id. ibid.*

" ſiſted in certain Geſtures, Actions, or the " Uſe of certain Words, and mentions ſeveral " Examples of ſuch Superſtitions; among " the reſt, a remarkable Rite to prevent a " Storm of Hail *".

However trifling ſome of the *Moſaical* Laws may appear at firſt View, and unworthy the Wiſdom of God to enact them as Laws; yet the Caſe will appear quite otherwiſe, when they are conſidered as neceſſary Proviſions againſt the Danger of Idolatry.

Levit. xix. 27. The Law, for inſtance, that appoints, *Ye ſhall not round the Corners of your Heads, neither ſhalt thou mar the Corners of thy Beard*, will thus appear Directions of Importance, when it was to prevent a magical Cuſtom of the idolatrous Prieſts, who made this ſort of cutting off their Hair and Beards eſſential to their Worſhip; and uſed them as things of conſequence, in order to procure from their Idols the ſeveral Bleſſings they deſired and prayed for. A Prohibition of ſuch idolatrous and magical Ceremonies was not ſo trivial, or below the Care of a wiſe Lawgiver, who had a Deſign in the Conſtitution of the *Hebrew* Government, to keep that People from all idolatrous Cuſtoms.

In like manner, we may eaſily perceive a 29. Reaſon, why the Law ſhould direct, *Neither ſhall*

* Si quatuor mulieres in tergo jaceant, & pedes ſuos cum compoſione verſus cœlum extendant, certa verba, certos item geſtus adhibeant, illas turpi hac actione, Grandinem decidentem avertere. *Id. ib.*

ſhall a Garment of Linnen and Woollen come upon thee; when we underſtand, that ſuch mixed Garments of Linnen and Woollen were the proper Habits of idolatrous Prieſts; and which, according to the profeſſed Doctrines of their idolatrous Worſhip, were ſuppoſed to have ſome powerful magical Virtue in them.

For the ſame Reaſons we can eaſily underſtand the Wiſdom of appointing by Law, *that the Woman ſhall not wear that which appertaineth unto a Man, neither ſhall a Man put on a Woman's Garment; for all that do ſo are Abomination to the Lord thy God*; when it was an idolatrous Conſtitution of their Neighbours, as * *Maimon* found it in a magick Book, That Men ought to ſtand before the Star of *Venus* in the flowered Garments of Women; and Women were to put on the Armour of Men before the Star of *Mars*, as Biſhop *Patrick* on the Place truly repreſents its Meaning. Deut. xxii. 5.

The ſame idolatrous Cuſtom is obſerved by *Macrobius*, that Men worſhipped *Venus* in Women's Habits, and Women in the Habits of Men †.

There is no Reaſon then, we ſee, to imagine that theſe Laws, which were to diſtinguiſh the *Hebrew* People from the idolatrous

* Maimonides, ibid.

† Philocorus quoque in Atthide, eandem (Venerem) affirmat eſſe Lunam, & ei ſacrificium facere, Viros cum veſte muliebri, Mulieres cum virili, quod eadem & mas æſtimatur & fœmina. *Macrob. Saturn. l.* 3. *c.* 8.

Nations, were made only out of hatred to their Neighbours, and to all their Cuſtoms and Manners, good or bad, innocent as well as idolatrous. It * appears on the contrary to be plainly quite another Reaſon; it was from a wiſe Care of their Preſervation from ſuch idolatrous Cuſtoms, as there was very great Reaſon to fear, would prove a dangerous Temptation to lead them into Idolatry, and which were hardly to be uſed without it. All Reflections, with how much Confidence ſoever on the *Hebrew* Laws, as if they were eſtabliſh'd upon no better Motives than the Hatred of their Neighbours, will appear in this view groundleſs, and without all Foundation; when the true Reaſon ſhall appear ſo wiſe, ſo plain, and ſo natural.

Theſe two Views then, to preſerve in the *Hebrew* Nation the Knowledge and Worſhip of the one true God, and to preſerve it from the ſpreading Evils of Idolatry, by ſeparating it from the Society of Idolaters, by forbidding all Uſe of idolatrous Rites and Cuſtoms, may be looked upon as conſiderable Intentions in the Conſtitution; according to which, we are to examine and to judge of the Equity and Wiſdom of the Conſtitution itſelf. Neither of which can be ſo well judged of, without taking theſe Intentions into Conſideration. If we regard the *Hebrew* Conſtitution, only as an Inſtitution of Religion and religious Worſhip, or only as a civil Polity and

* Spencer, Leg. Heb. l. 11. c. 3. § 1.

and a Form of Civil Government, we ſhall widely miſtake the true Nature of it. It is evident beyond queſtion, the *Moſaical* Account of it repreſents it as a Theocracy, in which *Jehovah* is God, and King; and in which the true Worſhip of the only true God was to be preſerved againſt Idolatry, and the Nation in obedience to the Laws of this Inſtitution, ſhould enjoy Liberty, Peace, Proſperity and Happineſs in the Protection of a wiſe and powerful Government.

It may be proper to obſerve here, that theſe Deſigns appear in themſelves worthy the Wiſdom and the Goodneſs of God; that he ſhould take care in ſome proper way to put a ſtop to ſo prevailing a Courſe of Idolatry. If the Deſign ſhall appear in itſelf manifeſtly wiſe and good, the proper Means to effect it will appear to be equitable, wiſe and good alſo. Some ſeem not to perceive, at leaſt are not willing to own this. The more fully then to make us ſenſible of it, let us briefly obſerve ſome of the many great Evils of Idolatry, which this *Hebrew* Conſtitution was intended and formed to prevent.

One of the chief and moſt influencing Principles of Idolatry, was a falſe Perſuaſion that the temporal Bleſſings of Life, Health, Length of Days, fruitful Seaſons, Victory in Wars, and ſuch Advantages, were to be expected and ſought for as the Gifts of ſome inferior and ſubordinate Beings, as Guardians of mortal Men; or from ſome ſecret

Influences of the Stars, and heavenly Bodies, ſuppoſed inhabited, and animated by ſome powerful Beings, or Gods, whoſe Protection and Favour were to be obtain'd by the Uſe of ſome magical Ceremonies, Geſtures and Words, or by ſome ſenſeleſs or ſome barbarous Rites of Worſhip.

Thus Men came not only to loſe the true Knowledge of the one, only God, and of his immediate Providence, and that all theſe Bleſſings could therefore come from him alone, who was beſt pleaſed and beſt worſhipped by Virtue, Goodneſs, Righteouſneſs and true Holineſs; but they became neceſſarily vicious and corrupt in Practice, as well as Principle. They came to think they were not to expect the Bleſſings of Life from the Favour of the one true God, a Being himſelf of infinite Purity, Righteouſneſs and Goodneſs, by reverencing and by imitating him; but from the Favour of a *Jupiter*, who with all his fine Titles is repreſented in his Hiſtory, to have been as intemperate as luſtful, and as wicked as any the worſt of Men; or from a *Mercury*, a Patron of Thieves and Robbers; or from a *Bacchus*, the God of Intemperance and Drunkenneſs; or from a *Venus*, the Patroneſs of all manner of Uncleanneſs, and Debauchery.

The known Principles and the moſt ſacred Ceremonies and Myſteries in the idolatrous Worſhip of ſuch Deities, actually ſhewed what Encouragement was given to all manner of

of Vice. They extinguiſhed all religious Principles of moral Virtue and Goodneſs, and gave additional Strength to Men's natural Inclinations, to Intemperance, Luſt, Fraud, Violence, and every kind of Unrighteouſneſs and Debauchery *.

The †*Phalli*, and the ‡ *Mylli*, known religious Rites in the Worſhip of *Bacchus*, *Oſiris*, and *Ceres*, were ſuch obſcene Ceremonies, that Modeſty forbids to explain them. It may be ſufficient to mention the known Cuſtom of Virgins before Marriage, ſacrificing their Chaſtity to the Honour of *Venus*, as a laſcivious Goddeſs, as the Hiſtorian expreſſes it ||, leſt ſhe alone ſhould appear laſcivious. A Cuſtom, according to the Hiſtorian, which was eſpecially uſed in *Cyprus*, which was in the Neighbourhood of *Canaan*.

Idolatry had introduced another moſt cruel Cuſtom of human Sacrifices: This prevailed among the *Phenicians*, the *Tyrians*, and the *Carthaginians*, a *Tyrian* Colony; on which inhuman Cuſtom the forementioned Hiſtorian

* Curnon in promiſcuos appetitus effundat ſe homo, & ingenita fragilitate præcipitatus, & magiſterio ſanctæ divinitatis adjutus. *Arnobius*, *l.* v. *p.* 175.

† Ex ea re tum privatim tum publicè, lignea virilia thyrſis alligata per eam ſolemnitatem geſtabant, fuit enim Phallus vocatum, membrum virile. *Schædius de Diis Germanis*, *p.* 130.

‡ Heraclides Syracuſius libro de vetuſtis & ſanctis moribus ſcribit apud Syracuſios in perfectis Thermophoriis, ex ſeſamo & melle fingi pudenda muliebria, quæ per ludos & ſpectacula circum ferebantur, & in tota Sicilia vocabantur Mylli. *Natalis Commit. l.* v. *p.* 491. *Athenæi Deipnoſ. l.* xiv. *p. m.* 647.

|| Ne ſola impudica videretur. *Juſtin. l.* xviii. *c.* 5.

makes this Remark, that they uſed a bloody and wicked Rite of Religion, as a Remedy. They offered Men for Sacrifices, and brought young Children to the Altars, at an Age that uſually moves the Compaſſion of an Enemy; and endeavoured to obtain the Favour of the Gods by the Blood of thoſe, for whoſe Lives Prayers were more generally uſed to be made to the Gods*.

This cruel † Cuſtom, how inhuman ſoever, ſuch were the evil Effects of Idolatry, ſoon became almoſt univerſal; and ſpread itſelf among the *Greeks*, the *Gauls*, and the *German* Nations.

Among the *Canaanites*, it was a known Cuſtom to offer their Children to *Moloch*, likely the ſame Idol with *Adramelec*, and *Anameleck*. Some learned Men have indeed been willing to believe, that paſſing thro' the Fire to *Moloch*, might mean a ſort of Purification, rather than actual burning them in the Fire; but beſides the Teſtimony of Hiſtorians in general to the Practice of other Nations, the Scriptures plainly mean conſuming them to Death by Fire. So it is deſcribed by the Prophet *Ezekiel*, *And have cauſed their Sons, whom they bare unto me, to paſs through the Fire to devour them.*

Ezekiel xxiii. 37.

* Cruenta ſacrorum religione, & ſcelere pro remedio uſi ſunt. Quippe homines, ut victimas immolabant, & impuberes quæ ætas etiam hoſtium miſericordiam provocat, aris admovebant; Pacem Deorum ſanguine eorum expoſcentes, pro quorum vita Dii, rogari maxime ſolent, *Juſtin. l.* xviii. *c.* 6.

† Schædius de Diis Germanis, p. 593.

them. Did they * cauſe them to paſs through the Fire, only to purify them, and to preſerve them alive? No, certainly; but to devour or conſume them. The ſame Prophet elſewhere determines this Meaning, *Thou haſt ſlain my Children, and delivered them to cauſe them to paſs through the Fire.* It is charged as an Act of Idolatry in *Ahaz, that he cauſed his Son to paſs through the Fire, according to the Abomination of the Heathen:* This is explained in another Place, *that he burned his Children in the Fire after the Abomination of the Heathen.* And it is expreſly ſaid of *Adrameleck*, and *Anameleck*, the Idols of *Sephervaim, that they burned their Children in the Fire to them.*

xvi. 21. 2 Kings xvi. 3. 2 Chron. xxviii. 3. 2 Kings xvii. 31.

If we conſider the many other abominable Immoralities of the *Canaanites*, by which they defiled themſelves, as they are enumerated in the Prohibition of them to the *Hebrew* Nation, we may eaſily perceive, that a Nation which had defiled themſelves in ſo many and ſo great Abominations, did well deſerve an exemplary Puniſhment from the righteous Judge of the Earth; that it was wiſe as well as juſt, to ſhew in their Puniſhment, that their Idols were not as they imagined and falſely believed, the Givers of long Life, Peace, and worldly Proſperity; but that the one true God was alone the ſupreme Diſpoſer of all the Bleſſings of Providence; and that none of

Lev. xviii.

* Reland Diſſert. viii. de vet. Ling Perſar. voc. Adar.

of the Idol Gods, in whom they truſted, could ſave them out of his Hand, or deliver them, when God ſhould viſit their Iniquities.

May we not alſo perceive a kind Deſign, in giving ſome remarkable Inſtances of Providence, for the Puniſhment of ſo groſs Immoralities, the Effects of idolatrous Principles and Practice, and for the Encouragement of ſuch Acknowledgement and Worſhip of the true God, as was the beſt Preſervative againſt theſe Abominations, by ſome obſervable Inſtances of particular Protection and Favour; to let ſuch Worſhippers of the true God know, that by keeping themſelves from thoſe Abominations, the natural and uſual Effects of Idolatry, they were to hope for the Continuance of ſuch particular Protection and Favour in all After-times?

Hence it may appear, the Severity with which the *Hebrew* Hiſtory acquaints us, the *Canaanites* were puniſhed, and the Title whereby the *Hebrews* held their Land, whom God caſt out before them, were no Ways inconſiſtent with the Juſtice or Wiſdom, or Goodneſs of God, as ſome have inſinuated. The Queſtion is really brought to this one Point, Whether ſuch abominable Immoralities, as followed naturally and univerſally from their idolatrous Principles and Forms of Worſhip, were not highly criminal, ſo criminal as to deſerve a Puniſhment? that it became the Juſtice and Wiſdom of the Governor of the World, to put ſome ſtop to them,

them, to prevent them in ſome Meaſure by forming and eſtabliſhing a Conſtitution in which the Knowledge and Worſhip of the one true God ſhould be preſerved in Oppoſition to Idolatry, a perpetual Source of innumerable Vices and Immoralities. Idolatry, you ſee then, appears in the natural Fruits of it, not only an Error of the Underſtanding, not at all a Matter of harmleſs Speculation, but a Fountain of very dangerous Immoralities, which led Men naturally and even with the Encouragements of Religion, into Intemperance, Uncleanneſs, Murders, and many Vices, inconſiſtent with the Proſperity and Peace of Society, as well as with the Happineſs of private Perſons. When God ſhall puniſh ſuch Iniquities, he puniſhes Men for their Wickedneſs, not for their Errors. He puniſhes Men for ſuch Wickedneſs, as deſerves to be puniſh'd, whatever pretended Principles or real Dictates of Conſcience it may proceed from. No Man ſure, can reaſonably account it Injuſtice in a Government to puniſh Sodomy, Beſtiality, or the frequent Murder of innocent Children, what Pretences ſoever Men ſhould make to Conſcience or Religion, in Vindication of them. The moſt unnatural Sins were countenanced by the Myſteries of idolatrous Worſhip* ; the Uſe of that obſcene Ceremony the *Phalli*, ow'd its Original to the Memory

* Schædius de Diis Germanis, 130, Clement. Alexand. Admonit. ad Gentes, p. m. 22.

Memory of the Sin againſt Nature, and to the Hiſtory of a God hallowing it by his own Act. Can any Man reaſonably call ſuch a Reſtraint of Vice Perſecution, when not to endeavour by all Means to reſtrain it would argue a great Neglect, Weakneſs and Folly, in any Adminiſtration of Government whatſoever.

If then a Puniſhment for ſo heinous Crimes and Immoralities will be juſt and wiſe in itſelf, which way can any Man find out, to make it unjuſt or unwiſe in the ſupreme Governor of the World? How can it be unjuſt in him, to appoint ſuch Perſons as he ſhall think moſt fit, to execute ſuch righteous Judgment by his Commiſſion? The common Rights of Nations, and any perſonal Claim of the *Hebrews*, are altogether out of this Queſtion; the Hiſtory plainly ſhews, they made no perſonal or national Claim at all to the Land of *Canaan*; but that God caſt out the People before them, for all their Abominations; that it was not their own Power, but the Hand of God, which brought them out of the Land of *Egypt*, and into the promiſed Land. So that the whole is conſidered as the immediate Act of God himſelf, for the Proof of which the Hiſtory gives a long Series of Miracles, in *Egypt*, at the Red-Sea, for many Years in the Wilderneſs, at the taking of *Jericho*, and ſettling the *Hebrew* Nation in the Poſſeſſion of the promiſed Land.

And

And here let us juſt obſerve, what will be ſhewn more fully hereafter, that this very way of puniſhing the *Canaanites* for their many great Abominations by the *Hebrew* Nation, to whom God gave the Poſſeſſion of their Land, has ſome peculiar Marks of Wiſdom; which may ſhew it fit to be preferred to many other ways; ſuch as peſtilential Diſtempers, Fire from Heaven, or a Flood, ways in which God had puniſhed the Wickedneſs of the World in former times. For this was a very fit means for the Cure, as well as the Puniſhment of Idolatry, to deſtroy the Root of theſe great Evils, as well as to execute righteous Judgment on thoſe who had committed them. This was a Deſign every way worthy the Wiſdom and Goodneſs of God. Sure then, no ways inconſiſtent with his Juſtice. The Protection of the *Hebrew* Nation, and the Favour of God to them as a peculiar People, was a viſible and ſtanding Confutation of Idolatry; it ſhewed, that *Jehovah*, the one true God, the King of *Iſrael*, had himſelf an immediate hand in the Adminiſtration of particular Providence; that he had not given it out of his own Hands into the Hands of any inferior Beings whomſoever, which Error was the great Foundation of Idolatry. It further ſhewed the Power of *Jehovah* the true God, manifeſted in the Protection of his People, ſuperior to the Power of all the Idols of the Heathen; and that none of the

falſe

falſe Gods they worſhipped could be compared to *Jehovah*.

This is a Queſtion then not to be argued from the common Rights of Men, and Nations; for no ſuch Rights, either of Invaſion or Conqueſt, are ſo much as pretended to in the moſt diſtant manner. We ſee the only Point in queſtion, is, What are the Rights of God's ſupreme Authority? What is conſiſtent with the Wiſdom of his Government, how far he may puniſh the greateſt Immoralities with temporal Evils? Aſk the ſacred Hiſtory, it will tell you, the *Hebrews* ſet up no Title to the Land of *Canaan*, either civil or religious, in their own Right; it only makes the Rights of the Sovereign of the World as extenſive as the Rights of the Chief Magiſtrates in every Government are allow'd by the Laws of Nature and Nations to be over their own Subjects. The Scriptures on this queſtion only aſſert, that God gave a Commiſſion to execute his Sentence, which was either a Forfeiture of Lands, or Life, for a long Commiſſion of Crimes, that deſervedly incurred a Forfeiture of both.

Whether the *Hebrew* Nation had really ſuch a Commiſſion from God, or no; whether they were truly directed by a divine Oracle; whether ſuch Wonders were really wrought before their Eyes, and ſuch unqueſtionable Inſtances of divine Favour and Protection in a long Series for many Years, as the *Hebrew* Hiſtory relates? Theſe are all

Queſtions

Queſtions of Fact. But in all ſuch Queſtions general and abſtract Reaſonings can have no place, where the Facts themſelves are naturally and morally poſſible, as every one may perceive they are in this caſe. If the ſupreme Governor of the World has a Right to give ſuch Commiſſion, if it is not unjuſt to uſe the Hands of Men, inſtead of a Plague or Fire from Heaven, to puniſh the Wickedneſs of Men, the only Queſtion that can remain in ſuch a caſe is this, Whether in fact the *Hebrew* Nation did really receive ſuch a Commiſſion from *Jehovah*, or no? Thus far then the whole will reſt upon the Evidence of the *Moſaic* Revelation; and there I ſhall leave it, it not being the Deſign of this Diſſertation to enter into an Argument, in which many, as I apprehend, have already given ſo full Satisfaction.

CHAP. II.

Plan of the HEBREW *Government.*

HAVING premiſed the principal Views and Intentions of erecting the *Hebrew* Government, and of its civil Polity, we may proceed to conſider the Government itſelf.

The *Hebrews* were intended to be a Nation, which ſhould preſerve the Knowledge and Worſhip of the one true God, in oppoſition to all Idolatry; and therefore to be a diſtinct

diſtinſt Kingdom, ſeparate from the idolatrous Nations every where about it.

This was to be a Government formed for the Peace and Proſperity of the Subjects of it, to have theſe Bleſſings ſecured by a particular Protection of *Jehovah* their God and their King, they keeping to the Conſtitution of his Government, and in Obedience to his Laws. It was a Government deſign'd to continue for many hundred Years, *the Scepter was not to depart from Judah, nor a Lawgiver from between his Feet, till Shiloh came.* They were to enjoy their Religion and their own Polity, till a better Conſtitution ſhould take Place in the Kingdom of *Meſſiah:* This was then to be an Eſtabliſhment for above fourteen hundred Years.

The Wiſdom of this Policy you perceive, is principally to be ſeen in two Proviſions: The firſt for the Preſervation of the Peace, Proſperity, and Power of the *Hebrews*, as a diſtinct Nation, from all Invaſions of foreign Nations, and from all Ambition of great Men, or popular Sedition among themſelves to deſtroy either. The other was to provide for the Preſervation of the true Religion, and to keep out Idolatry, that it might not infect this People, as it had already all the other Nations of the World.

The wiſe Proviſion made for both theſe Ends will beſt appear by conſidering the true Form of this Government, as God appointed it by his Servant *Moſes*. This alone is the true

true Plan of it, which muſt be carefully diſtinguiſh'd from all Deviations from it, or Corruptions of it, whether under the Judges, the Kings, or the *Macchabees*; ſo that whatſoever may be found among any Conſtitutions, or in any Acts of the Adminiſtration in thoſe times, that may juſtly be blamed or cenſured, they are ſolely to bear the blame: An original Conſtitution, different from them, will be altogether free from it.

Property is the natural Foundation of Power, and ſo of Authority; hence the natural Foundation of every Government is laid in the Diſtribution of the Lands or Territory belonging to it, to the ſeveral Members of it. If the Prince is Proprietor of the Lands, as in ſome *Eaſtern* Governments, ſuch Prince will be abſolute; for all who hold the Lands, holding them of the Prince, and enjoying them at his Will and Pleaſure, are ſo ſubject to his Will, that they are in a condition of Slaves, not of free Subjects. If the Property is divided among a few Men, the reſt holding of them, and under them as Vaſſals, the Power and Authority of Government will be in the hands of thoſe few Men, as a Nobility, whatever Authority may be lodged in the hands of one or more Perſons, for the ſake of Unity in Counſel and Action; but if the Property be generally divided near equally among all the Members of the Society, the true Power and Authority of ſuch Government will naturally be in all the Mem-

bers of that Society, whatever Form of Union they may have, for the better Direction of the whole as a political Body.

CHAP. III.

Of the HEBREW *Territory, and Diſtribution of it.*

THE Territory, in which this Government of the *Hebrew* Nation was to be ſettled, lay as it were between the great Empires of *Egypt*, *Aſſyria*, and *Babylon*; though more immediately bounded by ſome ſmaller Nations in *Syria* and *Arabia*, of leſs Power and Extent of Dominion.

Extent of the Hebrew Territory.

The Extent of this Country, and its Contents in Acres, have been very differently deſcribed by Authors. I would avoid all geographical Niceties concerning the Situation of Places, mentioned in the more ancient Hiſtory, as of little uſe; yet it will be neceſſary, I think, to give a general Account of the Extent of the *Hebrew* Territory, to obviate an Error which has miſled ſome accurate Authors into a Miſtake of great Conſequence. *Hecatæus* in *Joſephus* *, makes the Territory of *Judæa* to contain only three Millions of Acres, which ſeems a ſmall Proviſion of Land for the whole Number of *Iſraelites*, who were to be ſettled in it.

Upon

* Joſephus contra Apion. c. 1. p. m. 1049.

Upon this Computation Mr. *Harrington* * obſerves, " The Land of *Canaan* would " have afforded to this Commonwealth a " Root or Balance, conſiſting of three " Millions of Acres; which, reckoning the " whole People in the twelve Tribes at ſix " hundred and two thouſand (which is more " than in the latter Poll they came to) would " have afforded unto every Man four Acres, " with a handſome Remainder, for the Prin- " ces of Tribes, Heads of Families, *Levitical* " Cities, and other publick Uſes; four Acres " to a Man, he obſerves, may ſeem but a " ſmall Lot; but to leſſen the Difficulty, he " adds, yet the *Roman* People under *Ro-* " *mulus*, and long after, had but two." But I think this Difficulty will be much better anſwer'd by obſerving, that *Hecatæus*, who lived under *Ptolemy Lagus*, firſt King of *Egypt*, on the Diviſion of *Alexander*'s Empire among his Captains, very likely gave an account of that part of *Judæa* only, which the *Jews* inhabited at that time by Allowance of *Alexander*'s Generals, and the King of *Egypt*; and when ten of the Tribes were loſt in Captivity, and many of the *Jews* were ſettled in other Places, and when the *Samaritans* were actually poſſeſs'd of a great Portion of the ancient *Hebrew* Inheritance. However it be, this Computation of *Hecatæus*, which ſo many learned Men have follow'd, cannot be a true Account of the Territory,

* Harrington's Commonwealth of Iſrael, l. 1. § 12.

ritory, which *Moſes* directed to be divided among the twelve Tribes.

For the general Bounds of this Territory are fixed to be, from Mount *Lebanon* on the North to the Mountains of *Scir* and *Sin*, or part of *Arabia Petræa* on the South; and from the *Mediterranean* Sea Weſtward, to the Mountains of *Abarim*, and the Deſart of *Arabia*, on the Eaſt. If you conſult the beſt Maps of *Spanheim*, *Cellarius*, and *Reland*, you will find, that this Country is ſituate from about 31 to 34 Degrees North Latitude. *Cellarius* in particular makes Mount *Scir* and *Bozra*, not quite 31; and Mount *Lebanon* and *Sidon*, above 34.

And this Account is confirmed by known meaſured Diſtances of Places. The meaſured * Diſtance from *Dan* to *Beerſheba*, both which were within their reſpective Bounds North and South, is one hundred and ſixty Miles; to this, if you add the Diſtance from *Dan* to Mount *Lebanon*, and from *Beerſheba* to Mount *Scir* and *Arabia Petræa*, the Length of the promiſed Land North and South, may well be reckon'd at two hundred Miles.

As to the Breadth Eaſt and Weſt, tho' it was unequal in ſeveral Places, yet † *Spanheim* places *Rhinocolura* at 52 Degrees, 30 Minutes, Longitude; and the Borders of *Arabia* the Deſart, at 56 Degrees, 20 Minutes; and

* Reland Paleſtina, l. 2. c. 5.
† Spanheim Charta Terræ Iſraelis.

and many conſiderable Places ſhort of the Deſart, are in 56, as *Philadelphia*, *Pilla*, Mount *Gilead*, and even *Damaſcus*. To take the Diſtance from *Joppa* to *Arabia*, which was a middle Diſtance between the ſhorteſt and the longeſt, and ſo may ſerve for a common Meaſure; *Joppa* is reckon'd 53 Degrees 34 Minutes, and the Borders of *Arabia* 56 Degrees 20 Minutes, or about 3 Degrees of Longitude, which, at that Latitude, will be at about fifty Miles to a Degree; in the whole, one hundred and fifty Miles. If we further compute this Diſtance by actual Meaſure*, from *Joppa* to *Jordan*, was ſixty-five Miles; from *Jordan* to *Philadelphia*, forty-five; in the whole, one hundred and ten: If to this we add the Diſtance from *Philadelphia* to the Deſart, twenty or twenty-five Miles, it will be one hundred and thirty, or one hundred and thirty-five Miles from Eaſt to Weſt.

And it is to be obſerv'd, that the Mountains were themſelves included within the Bounds, as well as ſome Spaces beyond them, eſpecially to the Eaſt and South, in ſo much that ſometimes *Moſes makes Euphrates the Eaſtern Boundary of the promis'd Land*; however it is plain, the *Hebrews* had the Privilege of Common in the Deſart of *Arabia*, and ſent their Cattle to feed there, which, however deſart in the general, had yet Deut. i. 7.

* Reland Palæſt. ib.

many Spots of good Ground interſperſed among the more barren Parts.

The Mountains themſelves were a profitable Poſſeſſion, affording Timber in plenty, and of great Value, as the Cedars of *Lebanon* ſufficiently ſhew. *Lebanon* was even famous for its Wines, and the other mountainous Parts abounded in Honey of an excellent kind; and fed great Numbers of Goats and Kids.

Hoſea xiv. 7.

Here are three Computations of the Contents of the *Hebrew* Territory; the largeſt at two hundred Miles by one hundred and fifty, which is no ways unreaſonable, including the Boundaries. The Middle, which reckons one hundred and eighty Miles, by one hundred and thirty, is certainly not an over-reckoning, adding the Ground from the Cities to the Boundaries, to the meaſured Diſtance between City and City. The leaſt Computation, by the meaſured Diſtances from one City to another is certainly too little, as it plainly leaves out a very conſiderable and profitable Part of the Territory; and yet this Computation is one hundred and ſixty Miles, by one hundred and ten.

The loweſt of theſe Computations then will contain eleven millions two hundred and ſixty-four thouſand Acres; the mean Computation fourteen millions nine hundred and ſeventy-ſix thouſand Acres; and the largeſt will contain nineteen millions and two hundred thouſand Acres.

The

The very loweſt Calculation would have allow'd a Diviſion of ſixteen Acres and a half to each of the ſix hundred thouſand *Hebrews*, for their perſonal Property; and a Remainder of one million two hundred and ſixty-four thouſand Acres for the *Levitical* Cities, the Princes of Tribes, the Heads of Families, or other publick Uſes, which is above four times as much as the common Calculation from *Hecatæus*.

According to the mean Computation, the Contents in Acres will be fourteen millions nine hundred and ſeventy-ſix thouſand. This Quantity of Land will divide to ſix hundred thouſand Men, above twenty-one Acres and an half in Property, with a Remainder of one million nine hundred and ſeventy-ſix thouſand Acres for the aforeſaid publick Uſes; above five times as much as the common Computation from *Hecatæus*. In the largeſt Calculation, the Contents in Acres will be nineteen millions and two hundred thouſand; which will divide to each Man twenty-five Acres in Property, and will leave four millions of Acres for publick Uſes, which is above ſix times as much as *Hecatæus* computes in his Reckoning of three millions of Acres. I hope, it will not be thought impertinent to the Subject, to be ſo particular, in ſetting right a Miſtake attended with conſiderable Difficulties, as if the Land of Promiſe could never maintain ſo great Numbers as were to live upon it; and becauſe the Miſ-

take itſelf had obtain'd, chiefly it ſhould ſeem by the Authority of *Hecatæus*, to miſlead many, and ſome very diſcerning and judicious Writers on this Subject.

You ſee, according to unqueſtionable Accounts from actual Meaſure, and the Degrees of Latitude and Longitude, in which it is ſituated, the Territory aſſigned to the *Hebrews* for their Habitation, was not ſo ſtrait and narrow as generally repreſented; from which ſome have inferr'd, ſo great a Number of People could not have found the bare Neceſſaries of Life in it, at leaſt that all muſt have lived in a very low and almoſt beggarly Condition. Whereas it appears in fact, there was a Proviſion of Land for each Man in Property, upon every one of the Calculations, ſufficient for a plentiful and decent Maintenance with Induſtry, good Huſbandry, and Frugality, which the Conſtitution itſelf made faſhionable and honourable, tho' by it none could have ſuch Eſtates as to indulge themſelves or encourage others in Idleneſs or Luxury; for a Proviſion of above ſixteen, or twenty-one or twenty-five Acres of Land in Property to each Perſon, would enable them with all the Advantages of that Country and Climate, to live as well as Men can do in ours upon an Eſtate of forty, fifty, or ſixty Pounds a Year, of their own.

Thus here was a Proviſion made for a Militia of ſix hundred thouſand Men for the Defence of the Country, to maintain the

the *Hebrew* Government in Peace and Safety; and here was a Proviſion for a general National Plenty and National Virtue, the Conſtitution recommending Induſtry, Huſbandry and Frugality, as prudent and honourable, when every Man's Circumſtances naturally repreſented them ſo, to every wiſe Man's Obſervation. And here was further a Proviſion to leave this Property and Liberty with great Security to their Families, and Poſterity, free from foreign or domeſtick Oppreſſion.

To make this Foundation of the *Hebrew* Government ſolid and laſting, the Wiſdom of *Jehovah* their Lawgiver declared, as two eſſential Laws of the Conſtitution, that the Territory ſhould be equally divided; ſo that the whole ſix hundred thouſand ſhould each have a full Property, in an equal Part of it; and that every Man ſhould hold his Eſtate as a Free-hold in chief, immediately from God himſelf, as of his Crown, without any other Tenure of Service or Vaſſalage to any great Men whatſoever, as intermediate Lords; and that this Tenure ſhould be unalienable, or that theſe Eſtates thus originally ſettled ſhould never after be alienated from the Family, but were to deſcend by an indefeaſible Entail in perpetual Succeſſion.

CHAP.

CHAP. IV.

Diſtribution of the whole Territory into equal Parts.

THE Diviſion of the Land was ordered to be made with great exactneſs, under the Care and Direction of the High-Prieſt, the Judge, and one of the Princes of each Tribe. *And the Lord ſpake unto Moſes, ſaying, theſe are the Names of the Men which ſhall divide the Land unto you, Eleazer the Prieſt, and Joſhua the Son of Nun; and ye ſhall take one Prince of every Tribe to divide the Land by Inheritance.* The Manner of this Diviſion is expreſſed in another Law. *And ye ſhall divide the Land by Lot, for an Inheritance among your Families; and to the more, ye ſhall give the more Inheritance; and to the fewer, ye ſhall give the leſs Inheritance: every Man's Inheritance ſhall be in the Place where his Lot falleth, according to the Tribes of your Fathers, ye ſhall inherit.*

Numbers xxxiv. 16, 17, 18.

Numbers xxxiii. 54.

This Diviſion was accordingly made by *Joſhua*, who, after *Gad*, *Reuben*, and the half Tribe of *Manaſſeh*, had received the Lot of their Inheritance beyond *Jordan*, to the Eaſtern Boundaries; and when they, who had been ſent out on Purpoſe to deſcribe the Land, had deſcribed it by Cities, and were returned

returned with the Deſcription in a Book to *Joſhua*, *Joſhua* caſt Lots for them in *Shiloh*, before the Lord; and there *Joſhua* divided the Land unto the Children of *Iſrael*, according to their Diviſions, that is, to the Tribes who had not yet received their Diviſion, Eaſtward of *Jordan*. Joſh. xviii. 10.

You ſee this Diviſion of the Land by Lot, was to the ſeveral Tribes according to their Families; ſo that in this Diviſion, every Tribe and every Family received their Lot and Share by themſelves, diſtinct from all the other Tribes. Thus each of the Tribes remain'd by the Conſtitution a diſtinct Province, in which all the Free-holders were not only *Iſraelites*, but of the ſame Tribe, or the Deſcendants of the ſame Patriarch of *Reuben*, or of *Judah*, &c. And the ſeveral Families were placed together in the ſame Neighbourhood, receiving their Inheritance in the ſame Part or Sub-diviſion of the Tribe; or each Tribe may be ſaid to live together in one and the ſame County, and each Family in one and the ſame Hundred: ſo that every Neighbourhood were Relations to each other, and of the ſame Families, as well as Inhabitants of the ſame Place. Nor was it permitted for an Eſtate in one Tribe, to become the Property of any Perſon belonging to another Tribe, though by the Marriage of an Heireſs; for it was provided by an expreſs Law, in the Caſe of the Daughters and Coheireſſes of *Zelophehad*, *Let them marry to whom they like* Numbers xxxvi. 6, 7.

like beſt, only to the Family of the Tribe of their Father ſhall they marry: ſo ſhall not the Inheritance of the Children of Iſrael remove from Tribe to Tribe: for every one of the Children of Iſrael ſhall keep himſelf to the Inheritance of the Tribe of his Fathers.

The Manner in which the Territory was divided by Lot, is very juſtly deſcribed, I think, by an ingenious Author. " It were " abſurd to think, that this Lot determined " of Proportions; for ſo a mean Man might " have come to have been richer than the " Prince of his Tribe: but the Proportions " allotted unto Tribes being ſtated, though " at firſt but by gueſs, and enter'd into the " Lot-Book of the Surveyors, (who, ſaith " *Joſephus*, were moſt expert in Geometry) " the Princes came firſt unto the Urns, " whereof the one contain'd the Names of " the Tribes that were to draw, the other the " Names of thoſe Parcels of Land that were " to be drawn firſt unto a whole Tribe: " Thus the Name of a Tribe, for Example " *Benjamin*, being drawn out of one Urn, " unto that Name a Parcel was drawn out " of the other Urn, for Example, the Coun- " try lying between *Jericho* and *Bethleem*: " This being done, and the Prince of the " Tribe having choſen in what Place he " would take his agreed Proportion, whe- " ther of fourteen thouſand Acres, or the " like:" (For our Author ſuppoſes the Heads

of

of Families and Princes of the Tribes had a greater Proportion of Land aſſigned to them, on Account of their Quality and Power in the Tribes:) "Then the reſt of the Country "was ſubdivided in the Lot-Books, accord- "ing to the Number of Families in the "Tribe of this Prince; and the Parcels ſub- "divided being caſt into one Urn, the "Names of the Patriarchs into the other, "the ſame Tribe came again by Families. "Thus every Patriarch making Choice in "what one Part of this Lot he would take his "agreed Proportion, whether of four thou- "ſand Acres, or the like; the Remainder "was again ſubdivided, according to the "Number of Names in his Family: If they "were more than the Parcel would furniſh, at "four Acres a Man;" (which was the Propor- tion according to the * Eſtimate of *Hecatæus*, which our Author follows; but ſhould have been on a truer Calculation ſixteen or twenty- one, or twenty-five Acres for each Man;) "then was that Defect amended by Additions "of the next Parcel, and if they were fewer, "then the Overplus was caſt over unto the "next Parcel. Thus the Inheritance of the "Children of *Simeon* was taken out of the "Portion of the Children of *Judah*, for the "Part of the Children of *Judah* was too "much for them; therefore the Children "of *Simeon* had their Inheritance within "the Inheritance of them." This gives an Joſ. xix. 9. eaſy

* Harrington Commonwealth of *Iſrael*, c. 11. §. 12.

eaſy Account of the Manner of this Lot, which has been pretended by ſome Perſons who love Objections, to be attended with ſo many Difficulties, as to appear impracticable. All who have any Notion of the Manner of drawing our late Lotteries, the Numbers out of one Wheel, the Blanks and Prizes out of another, will ſee this Diviſion by Lot thus explained, to be not only a Thing practicable, but very eaſy and exact. Every Tribe and every Family being thus ſettled in their Inheritances, became Local without Remove; each was to continue, and their Poſterity after them, on the ſame Eſtate, which originally fell to them for their Inheritance.

The Eſtates of the Hebrews *unalienable.*

In order to preſerve as near as poſſible the ſame Balance, not only between the Tribes, but between the Heads of Families and the Families of the ſame Tribes, it was further provided, that every Man's Poſſeſſion ſhould be unalienable.

Deut. xv. 1, 2, 12.

The Wiſdom of this Conſtitution had provided for a Releaſe of all Debts and Servitudes every ſeventh Year, that the *Hebrew* Nation might not moulder away from ſo great a Number of free Subjects, and be loſt to the Publick in the Condition of Slaves. It was moreover provided, by the Law of Jubilee, which was every fiftieth Year, that then all Lands ſhould be reſtor'd, and the Eſtate of every Family, being diſcharged from all Incumbrances, ſhould return to the Family again. For this there was an expreſs Law.

Law. *Ye ſhall hallow the fiftieth Year, and proclaim Liberty throughout all the Land, unto all the Inhabitants thereof: It ſhall be a Jubilee unto you, and ye ſhall return every Man to his Poſſeſſion, and ye ſhall return every Man unto his Family.* It is further enacted, *And the Land ſhall not be ſold for ever*; or, as in the Margin, to be quite cut off or alienated from the Family; *for the Land is mine, for ye are Strangers and Sojourners with me.* Lev. xxv. 10. 23.

By this *Agrarian* Law of the *Hebrews*, all Eſtates were to be kept in the ſame Families, as well as the ſame Tribes to which they originally belonged at the firſt Diviſion of the Land by *Joſhua*; ſo that how often ſoever a Man's Eſtate had been ſold or alienated from one Jubilee to another, or how many Hands ſoever it had paſſed through, yet in fifty Years every Eſtate muſt return to the Heirs of the Perſons who were firſt poſſeſſed of it.

It was at firſt an excellent Conſtitution, conſidering the Deſign of this Government, to make ſo equal a Diviſion of the Land among the whole *Hebrew* Nation, according to the Poll; it made Proviſion for ſettling and maintaining a numerous and a brave Militia of ſix hundred thouſand Men, which, if their Force was rightly directed and uſed, would be a ſufficient Defence not only againſt any Attempts of their leſs powerful Neighbours, to deprive them of their Liberty

berty or Religion; but conſidering moreover the natural Security of their Country, into which no Inroads could be made but through very difficult Paſſes, it was a Force ſufficient to defend them againſt the more powerful Empires of *Egypt*, *Aſſyria*, or *Babylon*.

The Wiſdom of this Conſtitution is yet further obſervable, as it provided againſt all ambitious Deſigns of private Perſons, or Perſons in Authority, againſt the publick Liberty; for no Perſon in any of the Tribes, or throughout the whole *Hebrew* Nation, had ſuch Eſtates and Poſſeſſions, or were allow'd by the Conſtitution to procure them, that could give any Hopes of Succeſs in oppreſſing their Brethren and Fellow-Subjects. They had no Riches to bribe indigent Perſons to aſſiſt them, nor could there at any Time be any conſiderable Number of indigent Perſons to be corrupted. They could have no Power to force their Fellow-Subjects into a tame Submiſſion to any of their ambitious Views. The Power in the Hands of ſo many Freeholders in each Tribe, was ſo unſpeakably ſuperior to any Power in the Hands of one or of a few Men, that it is impoſſible to conceive how any ſuch ambitious Deſigns ſhould ſucceed, if any Perſons ſhould have been found ſo weak as to attempt them.

Beſides, this equal and moderate Proviſion for every Perſon, wiſely cut off the Means of Luxury, with the Temptations to it, from

Example.

Example. It almoſt neceſſarily put the whole *Hebrew* Nation upon Induſtry and Frugality, and yet gave to every one ſuch a Property, with ſuch an eaſy State of Liberty, that they had ſufficient Reaſon to eſteem and value them, and endeavour to preſerve and maintain them.

It may not be improper to take notice here, of an Obſervation of Lord *Bacon*, to ſhew the political Wiſdom of this Part of the *Hebrew* Conſtitution. He is obſerving the Wiſdom of the Law, which required, " that " all Houſes of Huſbandry, that were uſed " with twenty Acres of Ground, or upwards, " ſhould be maintain'd and kept up for ever; " together with a competent Proportion of " Land, to be uſed and occupied with them; " and in no ways to be ſeparated from them." By theſe means, he obſerves, " the Houſes " being kept up, did of Neceſſity enforce a " Dweller, and the Proportion of Land for " Occupation being kept up, did of Neceſſity " enforce that Dweller, not to be a Beggar or " Cottager, but a Man of ſome Subſtance.--- " This, he proceeds, did wonderfully con- " cern the Might and Manhood of the King- " dom, to have Farms as it were of a Stan- " dard ſufficient to maintain an able Body " out of Penury; and did in effect amortize " a great part of the Lands of the Kingdom " unto the Hold and Occupation of the Yeo- " manry or middle People, of a Condition " between Gentlemen and Cottagers, or

" Peaſants.--Thus did the King ſow Hydra's " Teeth, he concludes, whereupon (accord- " ing to the Poet's Fiction) ſhould riſe up " armed Men for the Service of the King- " dom*."

How much does this Obſervation of one of the wiſeſt and moſt able Politicians recommend the Conſtitutions of the *Hebrew* Government to us, as they made ſuch Proviſion not only for a numerous Soldiery, but of ſuch Perſons alſo who were likely to make a good Soldiery; of Men bred up neither in a ſervile nor indigent Condition, but in a free and ſufficiently plentiful Condition; not of Perſons who had nothing of their own to loſe, but of Perſons who had both a valuable Property and Liberty to defend.

When a good Conſtitution is once well ſettled, it is a next point of Wiſdom to provide, that it may be preſerved in After-times. The Agrarian, or Law of Jubilee, was ſuch a wiſe Proviſion, to perpetuate this Diviſion of Lands and Eſtates, and thereby to continue the *Hebrew* Nation, a numerous and a powerful People.

This was of very great Importance to the Deſign, for which this Government was formed. It was intended to remain a diſtinct Nation, ſeparate from all other Nations of the Earth for many hundred Years; from the giving of the Law on Mount *Sinai*, and their Poſſeſſion of the promiſed Land, till the

* Lord Bacon Hiſt. Hen. VII. p. 72.

the Coming of *Shiloh*, and the Kingdom of the Meſſiah: For it was as a ſeparate Nation, they were to preſerve the true Religion in the Knowledge and Worſhip of the one true God, from the Corruption of that prevailing Idolatry, which had almoſt deſtroyed both from off the Face of the whole Earth.

The Country of the *Hebrews* had indeed a good natural Defence, being bounded every way, either by Mountains and difficult Paſſes, or by the Sea: yet a very ſtrong Barrier requires a Militia to defend it, on occaſion; which ought to be ſufficient for Number, and in due Readineſs, to oppoſe any Inroads or Invaſion of an Enemy.

The Neighbours of the *Hebrew* Nation, the *Egyptians*, *Aſſyrians*, and *Babylonians*, were very great and powerful Empires. The *Hebrew* Conſtitution had provided no ſtanding Army for a national Defence, but had rather made it impracticable; yet the whole Nation being obliged to appear in Arms when legally ſummoned, the whole Nation was as a ſtanding Army. And if the *Hebrews* had preſerved the original Conſtitution, or the *Moſaical*, they would always have had an Army of near ſix hundred thouſand Men in Readineſs, for Defence of their Country at all times. This military Service, by which the *Hebrews* held their Land, is of ſuch Conſequence to the right Underſtanding of the Conſtitution, that it will deſerve a particular Attention.

The Hebrews held their Estates by military Service.

The Exceptions, allow'd by the military Laws, of Perſons excuſed from Attendance on the Army, neceſſarily ſuppoſe the Obligations of all other Perſons to attend the military Service. The Officers were to ſpeak to the People, ſaying, *What Man is there that hath built a new Houſe, and hath not dedicated it; let him go and return to his Houſe, leſt he die in the Battle, and another Man dedicate it. And what Man is he that hath planted a Vineyard, and hath not yet eaten of it, let him alſo go and return to his Houſe, leſt he die in the Battle, and another Man eat of it. And what Man is there that hath betrothed a Wife, and hath not taken her, let him go and return unto his Houſe, leſt he die in Battle, and another Man take her.* This Expreſſion, Let him go and return to his Houſe, plainly ſhews, that though ſome Perſons were to be diſpenſed with, as to their Attendance on the Army for the Service of War, yet they were to appear at the general Muſter, and to be excuſed there by the proper Officers; and that they could not excuſe themſelves or their Abſence from the Muſter on any Plea, how true ſoever it was, or however good in Law it might be in itſelf.

Deut. xx. 5, &c.

The Diſpenſations directed to be given by the Law on theſe Occaſions, was to be for one Year only. *When a Man hath taken a new Wife, he ſhall not go out to War; neither*

Deuteron. xxiv. 5.

neither ſhall he be charged with any Buſineſs, but he ſhall be free at home one Year. The Officers are indeed further directed to ſpeak unto the People, and to ſay, *What Man is there that is fearful and faint-hearted, let him go and return to his Houſe, leſt his Brethren's Heart fail as well as his own Heart.* Deut. xx. 8. This political Wiſdom, to diſmiſs Cowards before an Engagement, leſt the Army ſhould be ſeized with Fear, no ways excuſed their actual Attendance in the Camp; and we find that even when they were diſmiſs'd from the Camp, they were not excuſed all Service. They were ſtill to aſſiſt the Army, by ſupplying the Camp with Water, Proviſion and Neceſſaries, by making or mending Roads, and by ſuch like Services, as a learned * Author obſerves from *Maimonides*.

What great Streſs does *Moſes* lay on the important Obligation of uniting the whole military Power of the Nation, for their Settlement? There is as great Reaſon to lay the ſame Streſs upon it for their Security and Defence afterwards.

When the Tribes of *Reuben* and *Gad* deſired their Settlement on the Eaſt of *Jordan*, *Moſes* ſaid unto them, *Shall your Brethren go to War, and ſhall ye ſit here?* Numbers xxxii. 6. *Moſes* charges it upon them as a moſt heinous Of-

* Qui a caſtris revertuntur, ſubminiſtrant aquas, & alimenta fratribus ſuis, qui ſunt in expeditione, ac emendant vias. *Schickard Jus Reg. Heb. c.* v. *Theo.* xvii. *p. m.* 125.

fence, if they had any Intention, as they ſeemed to have, to ſeparate their Proportion, or Quota of Troops, from the other Tribes, and thereby diſunite and weaken the Army of *Iſrael*. If the Tribes were permitted to take care of themſelves, and their own private Intereſts only, without juſt Regard for the publick Good of the whole Nation, by aſſiſting it with all their Forces united, the very Being of the Government and Nation would be always expoſed to great Danger. *Moſes* therefore further reaſons with the
14. Tribes of *Reuben* and *Gad*, *Behold ye are riſen up in your Father's ſtead*, or imitate thoſe who being ſent to diſcover the Land, ſo greatly diſheartened the *Iſraelites*, that they were near reſolving not to go into the Land which *Jehovah* had given them; but as the Anger of *Jehovah* was kindled againſt them, ſo it muſt be expected it will be kindled againſt thoſe, who, in imitating them, are an Increaſe of Evil-doers, to augment yet the fierce Anger of *Jehovah* towards *Iſrael*.

The Tribes were ſenſible of ſo juſt and reaſonable Expoſtulation. They came to *Moſes*, and promiſed, that they would only ſettle their Children and their Flocks, but that they themſelves would go ready armed before the Children of *Iſrael*, till (ſay they)
17, 18. *we have brought them to their Place. We will not return to our Houſes, until the Children of Iſrael have inhabited every Man*

Man his Inheritance. To this Promiſe *Moſes* replies, If ye will do this thing, *If ye will go armed before Jehovah to War, and will go all of you armed before Jehovah, until he hath driven out all his Enemies before him, and the Land be ſubdued before Jehovah; then afterwards ye ſhall return, and be guiltleſs before Jehovah: but if ye will not do ſo, behold ye have ſinned againſt the Lord, and be ſure your Sin will find you out.* Numbers xxxiii. 20, 21, 22, 23.

That the Union of the whole Force of any State, is neceſſary to its Being, Preſervation and Eſtabliſhment, every one is ready to grant; becauſe it is too plain for any to deny. The Wiſdom of ſuch Conſtitutions, as are neceſſary to keep the Force of a State ſo united, muſt be then unqueſtionable alſo, and of as great Concern to every Government, as its Preſervation in any good State of Peace, Liberty and Proſperity; and this will ſufficiently juſtify any Laws againſt Deſertion, that are neceſſary to prevent ſuch an Evil, how ſevere ſoever the Execution of them may appear in ſome Inſtances which yet have been repreſented as too ſevere by far for Conſtitutions of divine Original. If there are any Perſons who really think ſo, if any honeſt Perſons are ſtumbled at it in the *Hebrew* Hiſtory and Government, ſure they have never conſidered that Deſertion has ever been moſt reaſonably judged a capital Crime, in all Nations and Conſtitutions in the World,

that Lenity in ſuch Caſes would be found great Cruelty in the End; for it would ſacrifice the Safety as well as Liberties of a whole Nation, to the Impunity of a few very great Offenders. Such Offences againſt a Government are never to be excuſed or paſſed over with an eaſy Puniſhment, when it ſo manifeſtly endangers the Welfare and Being of the whole; and therefore all ſuch Objections (we ſhall ſee more particularly hereafter) are founded only on Ignorance, or wilful Error: They are ſo far from proving any want of Equity or Wiſdom in ſuch Conſtitutions, that they only prove the Objectors are incapable Judges of either, or unfair Judges of both.

The whole Force of the *Hebrew* Nation ſeems to have been well kept together, during the Adminiſtration of *Moſes* and *Joſhua*. Then the *Hebrew* Arms prevailed every where; but when the Tribes began to be ſettled, they fell to their Huſbandry, were ſo intent on their own private * Affairs, that they greatly neglected many of the Conſtitutions for the Publick Good. They neglected to poſſeſs themſelves of the whole Land of Promiſe; they left many of the *Canaanites* to remain in it; and they ſeverally defended themſelves, when attack'd by their Neighbour Enemies in ſeparate Parties, as if they had been ſo many ſeparate diſtinct Governments, rather than twelve united Provinces in the one

* Joſephus, l. 5. c. 2.

one Kingdom of *Jehovah*, as you ſee manifeſtly in the Hiſtory of their Judges. Judges ii.

They were warned of theſe Miſcarriages 1.
by an Angel. It ſomewhat affected them for the preſent; ſo that *when the Angel of the Lord ſpake theſe Words unto all the Children of Iſrael, the People lift up their Voice, and wept.* Yet it did not reform their After-Conduct; *for they returned and corrupted themſelves more than their Fathers; and they* 4. 19.
ceaſed not from their own Doings, nor from their ſtubborn Way.

Therefore the following Hiſtory of the Judges was juſt what might have been expected; the Power of the remaining *Canaanites*, occaſional Judges rais'd by Parties to deliver them, as they were oppreſſed ſeverally in their Tribes, the ſmall undiſciplin'd Armies ſet on Foot for their Defence, were the natural Effects of their Neglect in keeping up to the Conſtitutions of their Government. In an Hiſtory of ſo great Confuſion, we cannot hope to meet with an Adminiſtration after the original Plan laid down by *Moſes*; nor therefore to learn from Inſtances in that Hiſtory, the Form of regulating the *Hebrew* Militia in Times of Peace, or how an Army was rais'd, and ready to march for the publick Defence, when the People, who were to compoſe ſuch Armies, were ſettled in their ſeveral Poſſeſſions. Yet we have manifeſt Footſteps of a wiſe Conſtitution for keeping up a conſtant Force of twenty-

twenty-four thouſand Men, ready to make an immediate Stand againſt any ſudden Attempt; and which, as appears from that Conſtitution, might be reinforced very eaſily by greater Numbers, as any Occaſion ſhould be conſiderable enough to call for it.

In the Times of *David* we find, that twenty-four thouſand Men attended in their Courſes every Month. This Number conſiſted likely of two thouſand of each Tribe. *Now the Children of Iſrael, after their Number, to wit, the chief Fathers and Captains of thouſands, and hundreds, and their Officers, that ſerved the King in any Matter of the Courſes which came in and went out Month by Month, throughout all the Months in the Year of every Courſe, were twenty and four thouſand.*

1 Chron. xxvii. 1.

Such a Rotation made the Military Service very eaſy to the whole Nation, which was ſo neceſſary to the Safety of the whole. Twenty-four thouſand a Month, out of ſix hundred thouſand ſubject to military Service, obliged each Perſon to actual Duty but one Month in two Years, except on extraordinary Occaſions; and yet it afforded a ſufficient Guard of Defence againſt any ſudden Invaſion, or Attempts to diſturb the Peace of the Nation.

It has been further obſerved, that this Rotation of the Militia was at the ſame Time a Rotation of the Repreſentative of the

the *Hebrew* Nation, as well as a ſtanding Guard. " This Aſſembly," ſaith an eminent Author*, " had not only a Civil, but a Military Office, or Function." And further Remarks †, " While the whole Peo-
" ple being an Army, *Moſes* could propoſe
" to them in Body, or under their Staves and
" Standards of their Camps; as he need-
" ed not, ſo he uſed not any Repreſenta-
" tive; *but when Joſhua had let the Peo-* Judges xi.
" *ple go, and the Children of Iſrael went* 6.
" *every Man to his Inheritance, to poſſeſs*
" *the Land*, how was it likely to enjoy
" Peace and ſecure Safety, without the
" Wing of ſome ſuch Guard as this? How
" was it poſſible to have the Advice and
" Conſent of the Nation without ſome ſuch
" Repreſentative? And what could be more
" equal, eaſy and effectual, than to perform
" this Duty by Turns or Courſes?" From ſuch like Conſiderations our Author concludes, " there is little Doubt, that this
" Congregation was according to the Conſti-
" tution of *Moſes*."

It is a farther Confirmation of this Obſervation, that *David* actually uſed this Aſſembly in the higheſt Affairs of State.

This Aſſembly, when called together by *David*, is ſtyled the Congregation, the known Word to ſignify an Aſſembly of the whole Nation, or of its Repreſentative; and it was in this Congregation *that they made* 1 Chron. xxix. 1. 22.

* Harrington, Com. Iſrael. c. iii. §. 1. † Id. ib. §. 2.

made Solomon, the Son of David, King the ſecond Time; or confirm'd by a Parliamentary Sanction what before was done by *David*'s Nomination, in the Preſence only of a few of his principal Officers, on the ſudden
1 Kings i. Attempt of *Adonijah* to ſeize on the Kingdom for himſelf. The ſame Aſſembly, at the ſame Time that they anointed him, or appointed by their Reſolution *Solomon* to be anointed unto the Lord to be Chief Governor, appointed *Zadok* to be Prieſt, *Abiathar* having joined *Adonijah* in his Rebellion; ſo that this * Aſſembly confirmed as by Authority of Parliament, or as the Repreſentatives of the People, two of the higheſt Acts of Government, the Settlement of the Crown, and of the High-Prieſthood.

It is moreover very likely, that *David*, who introduced a Body-Guard, or a ſort of
2 Samuel xv. 18. *Prætorian* Bands, the *Cherethites* and *Pelathites*, which yet were not above ſix hundred, would have prefer'd a ſtanding Army, formed to Diſcipline by himſelf, and commanded by Officers of his own Nomination, to a Country Militia, ſome out of every Tribe, and commanded by their own Officers, if this had not been a known and ancient Part of the Conſtitution, from which it was not convenient to depart.

Theſe Orders of the *Hebrew* Government ſeem of greater Conſequence than they are uſually thought to be, by the very little Notice commonly

* Bertram. de Repub. Heb. c. x. p. 130.

commonly taken of them; but which, rightly underſtood, will ſerve to explain ſome other Things not eaſily to be explained without them, as may further appear in its proper Place.

CHAP. V.

Particular Government of the ſeveral Tribes.

WHEN the whole Body of the *Hebrew* Nation was thus ſettled in *Canaan*, each Perſon having an equal Share in Land, and an unalienable Property in it; each Tribe was ſettled the whole of it together, each Tribe was under its own proper and diſtinct Government, each had its Scepter or Staff of Command, and its Lawgiver, or Adminiſtration of Juſtice, according to Law in its own Hands: ſo that each Tribe judged its own People, or, in the Words of *Jacob* to *Dan*, *Dan ſhall judge his People as one of the Tribes of Iſrael.* From whence it is evident, ſays a learned and judicious * Author, "that "every Tribe had its own Prince and Judge, "and that every Prince or Head of a Tribe "judged his own People; conſequently e-"very Tribe had a Scepter and a Lawgiver, "as well as the Tribe of *Judah*. This "Power in the Heads of Tribes," the ſame Author

Deuteron. xlix. 16.

* Bp. Sherlock Diſſertation III. 304.

Exod. iii. 16. Author obſerves, " took Place immediately " on the Death of *Jacob*; for all Applica-
Exod. xix. 7. " tions and Meſſages are not to the People, " but to the Elders of *Iſrael*. The Com-
" mand of God ſent to the Houſe of *Ja-*
" *cob*, and the Children of *Iſrael* in *Egypt*,
" was deliver'd by *Moſes* to the Elders of the
" People; the People and their Rulers are
Ex. xxxiv. 31, 32. " diſtinguiſhed plainly. *Aaron and all the*
" *Rulers of the Congregation returned unto*
" *him, and Moſes talked with them; and af-*
" *terwards all the Children of Iſrael came*
" *nigh.*

" However the Government in the ſeve-
" ral Tribes of *Iſrael* was not monarchical,
" but ariſtocratical; and that no one Tribe
" had Superiority over another, is plain, up-
" on the Death of *Joſhua:* for then the Peo-
Judg. i. 1. " ple enquire of God, who ſhould go up
" for them againſt the *Canaanites?* A Queſ-
" tion which would not have been aſked,
" had any one Tribe, or Ruler of one Tribe,
" had the Right of leading and governing
" the reſt."

It is very plain, from the *Hebrew* Hiſtory, that the provincial Government of the Tribes of *Iſrael*, was not monarchical. It rather ſeems by their Hiſtory, a kind of mix'd Government, partly ariſtocratical, and partly popular.

To give us a right Notion of the *Hebrew* Government, we ſhould begin with this Form of the provincial Government of each Tribe; for-

forasmuch as every Tribe had its own Scepter and was a distinct Province, tho' one of the united Provinces of *Israel*. This will prepare us to understand afterwards more distinctly their Union in their general Government, or the States-General of the united Tribes of *Israel*.

We have often mention of Persons in Authority in the Tribes, *Princes of the Tribes of their Fathers, Heads of Thousands in Israel, the Princes of Israel; Heads of the Houses of their Fathers, who were the Princes of the Tribes, and were over them that were numbered.* Numbers i. 16. vii. 2.

It was given as a standing Constitution of the *Hebrew* Government, *Judges and Officers shalt thou make thee in all thy Gates, which the Lord thy God giveth thee, throughout thy Tribes, and they shall judge the People with just Judgment.* And *Moses* in his own Time, by the Advice of *Jethro, chose able Men out of all Israel, and made them Heads over the People, Rulers of Thousands, Rulers of Hundreds, Rulers of Fifties, and Rulers of Tens; and they judged the People at all Seasons. The hard Causes they brought unto Moses, but every small Matter they judged themselves.* Deut. xvi. 18.

Many have thought, these *Jethronian* * Prefectures, as they are usually called, because they were constituted by the Advice of

* Sigonius de Repub. Heb. l. vi. c. 6.

of *Jethro*, were deſigned to be a ſtanding Conſtitution, and continued in Uſe after the Settlement of the Tribes as a Model of their provincial Government. Others will have this Authority of the Captains "to laſt no "longer than during their Pilgrimage in the "Wilderneſs; for when they came into *Ca-*"*naan*, the Law required Judges and Offi-"cers to be ordained in every City *."

However that be, whether the *Jethronian* Perfecture was a particular Conſtitution, while all *Iſrael* were together in one Camp, under the leading of *Moſes*, for his own greater Eaſe, and the more ſpeedy Adminiſtration of Juſtice, which one Perſon was not able to adminiſter alone to ſo many People; or whether it was deſign'd a Plan for provincial Judges and Officers after the Settlement of the People in the Holy Land, it is without Queſtion, that the Law directed Judges and Officers, who with the Heads of Families and Princes of the Tribes, were to govern the Tribes of *Iſrael*, as Tribes or diſtinct Provinces.

Government of the Cities.

To begin with the Government of each City, the *Rabbinical* Writers generally mention a Court of Juſtice in each City, conſiſting of three Judges, they ſay, in the leſſer Towns, and twenty-three in the greater Cities; but it is juſtly obſerved, there is no mention of any particular Number of Judges in Scripture: On the contrary, † *Joſephus* mentions

* Patrick on Deut. xviii. 8. † Joſephus Ant. l. iv. c. 8.

mentions ſeven Judges in each City, without any Diſtinction between the greater and the leſſer. It is very likely, the particular Number of Judges might be left to Diſcretion, as no Number was fixed by Law, tho' the Courts themſelves were appointed expreſly; they might therefore be more or fewer in Number, as the Adminiſtration of Juſtice ſhould require. Thus, in the later Times of the *Hebrew* Government, the Number of three in leſſer Towns, and of twenty-three in greater Cities, might become fixed by Cuſtom and Length of Time.

By this general Proviſion, however, Care was taken for a regular Adminiſtration of Juſtice near at hand; to the great Convenience of every Perſon, who was neither to go far to ſeek it, or to wait long for it, or to be at any great Expence to obtain it: ſince each City and Tribe had the Adminiſtration of Juſtice within themſelves.

It was moreover no inconſiderable Advantage, to prevent the tedious Length and extraordinary Expence of Suits, that the Judgments of theſe Courts were appointed by the Law to be final in moſt Caſes. In Caſes of greater Moment and Difficulty, or rather where the Court was doubtful and divided in Opinion, *If there ariſe a Matter too hard for thee in Judgment, ſays the Law, ... being Matters of Controverſy within thy Gates; then ſhalt thou ariſe and get thee up unto the Place which the Lord thy God* Deut. xvii. 8, 9.

ſhall chooſe; and thou ſhalt come unto the Prieſts the Levites, and unto the Judge which ſhall be in thoſe Days, and enquire; and they ſhall ſhew thee the Sentence of Judgment.

In ſome Caſes, Proviſion was made for Appeals to the Prieſts the Levites, or to the Judge, as ſome render it here, and as it is expreſs'd by the Law itſelf preſently after. The Prieſts the Levites are generally underſtood of the national Council, commonly called the *Sanhedrin*; for there is no mention of the High-prieſt alone, but the Prieſts and Levites, which can well be underſtood of ſuch Prieſts and Levites only, who had ſome Authority and Commiſſion to ſhew the Judgment in the Place which the Lord God had choſen; this naturally ſeems to repreſent them not as Prieſts and Levites in general, but as choſen Members of ſome general National Council. It was not indeed neceſſary from any Direction of Law, that the Prieſts or Levites ſhould be in the National Council at all; yet on account of their Ability and Knowledge in the Laws, they were generally eſteemed fitteſt and beſt qualified to be choſen into them, as the moſt proper Perſons to attend this Service and to execute it well; and the Judge was by his Office inveſted with the higheſt Powers, Civil as well as Military, for to *judge Iſrael*, was to adminiſter Juſtice as well as to command Armies.

v. 12.

Hence

Hence it may appear how Juſtice was adminiſtred uſually, and Queſtions of Law decided, *viz.* in the Tribes themſelves, by their own reſpective Judges; yet in ſome more difficult Caſes it was wiſely provided, they might have a Review before a Court of Appeal, and Judgment ſhould be ſhewn and aſcertain'd by a National Court of Perſons, the moſt experienced and beſt learned in the Laws, not much unlike, having ſpecial Matters argued before the Judges, and determined by them all.

It was alſo of great Importance, that all Queſtions of Controverſy, which might ariſe on any Occaſion between the Tribes themſelves, ſhould be decided by a National Court; for as the ſeveral Tribes had no Authority or Juriſdiction over each other, they could not be decided but by ſome common Judge. This is well explain'd by *Selden*, as the ge-
" neral Opinion of the *Hebrew* Lawyers,
" * Nor is it to be doubted but each Tribe,
" as often as any thing concerning them as
" Tribes was to be argued and decided, was
" ſubject to no lower Court, and only to
" this (the great) Sanhedrin. For what
" concerned one Tribe was by no means to
" be determined by the Judges of another,

* Neque opinor dubitandum eſt, quin tribus quælibet, quoties de rebus tribuariis, qua tribuariis diſceptandum, decernendumque ſit, non minori alicui, ſed huic Synedrio (magno) ſubeſſet. Non enim erant omnino, res alterius tribus, ab alterius judicibus decidendæ, extra Hieroſolyma, ut etiam a magiſtris eſt oſtenſum. *Selden de Synedr. l.* iii. *c.* iv. § 4.

" out of *Jeruſalem*," or by the Judges of any Court; but that which for a long Time had been fixed at *Jeruſalem*, which was the great Sanhedrin or National Court; concerning the Nature of which we ſhall have Occaſion to ſay ſomething hereafter, in a more proper Place.

But from what has been remarked already, we may diſcern the great Wiſdom of appointing Judges in the ſeveral Tribes to decide almoſt all Cauſes and Controverſies among themſelves, and yet the great Importance of the Law of Appeals in ſuch extraordinary Caſes as were allowed to be brought before the ſuperior National Court. And this will moreover ſhew the neceſſary Reaſon why ſo ſevere a Puniſhment is enacted againſt thoſe who ſhould refuſe Obedience to the Decree of the National Court on Appeal. *According to the Sentence of the Law, which they ſhall teach thee, and according to the Judgment which they ſhall tell thee, thou ſhalt do. Thou ſhalt not decline from the Sentence which they ſhall ſhew thee, to the Right-hand, nor to the left; and the Man that will do preſumptuouſly, and will not hearken unto the Prieſt (that ſtandeth to miniſter there before the Lord thy God) or unto the Judge, even that Man ſhall die, and thou ſhalt put away the Evil from Iſrael; and all the People ſhall hear and fear, and do no more preſumptuouſly.*

Deut. xvii. 11, 12.

Such

Such preſumptuous Diſobedience was deſervedly made capital, which muſt diſſolve the Union of the Tribes by which they were one National Government, make it impoſſible to reconcile any Differences between them, and put an end to the whole Government itſelf; ſo that it could neither uſe the joint Counſels or the joint Forces of the Nation for the common Good of the whole, but, like a Kingdom divided againſt itſelf, it muſt fall to the Ground.

Elders of the Cities.

And as to the particular Government of each City, there are plain Intimations of a Senate, or of a Court of Elders, or Aldermen, diſtinct from the Commonalty or general Courts of the People. When the Inhabitants of *Gilead* were for ſetting *Jeptha* at their Head, to defend them againſt the Children of *Ammon*, it is ſaid, *The Elders of* Judges xi. *Gilead went to fetch Jeptha, and to make him* 5. 6. *their Captain.* The whole Affair was firſt treated of and concluded between *Jeptha* and theſe Elders; but to give full Authority to it, *Jeptha* went with the Elders of *Gilead*, and the People made him Head and Captain over 11. them.

Here, as the Elders are plainly diſtinguiſh'd from the People, ſo it is plain to perceive a very near Reſemblance to the known Form of Government by a Senate and Aſſembly of the People. The Choice of *Jeptha* was a joint Act of the Senate and People of *Gilead*, or this Choice had its full Authority,

by a Reſolution of the People on the Propoſal of the Senate *.

Judg. viii. 14. Mention is alſo made of the Elders of *Succoth*, and the Princes thereof, even threeſcore and ſeventeen Men; whom *Gideon* puniſhed, for refuſing him their Aſſiſtance on the Defeat of *Zeba* and *Zalmunna*.

On the Redemption of Inheritances, it ſeems, it was to be done in open Court, that is, before the People and the Elders. Thus *Boaz* advertiſes the Kinſman of *Elimelech*, Ruth iv. 4. *Buy it before the Inhabitants, and before the Elders of my People.* Upon the Refuſal of the neareſt Kinſman to redeem the Inheritance, *Boaz* redeems it himſelf in this Form, *And Boaz ſaid unto the Elders, and* ver. 9. *unto all the People, Ye are Witneſs this Day that I have bought all that was Elimelech's.*

This Uſage in the Cities was agreeable to Deut. xxi. 1, &c. the Law itſelf; for it is enacted, *If a Man is found ſlain, and it be not known who hath ſlain him, the Elders and Judges ſhall come forth, and find out what City is neareſt the Place where the Perſon is found ſlain; and the Elders of that City ſhall come and purge themſelves of any Knowledge of the Murder, and offer a Sacrifice to put away the Guilt of innocent Blood.*

And in the Cities of Refuge, if any guilty of wilful Murder fled there from Juſtice, *the*

* Jubente populo, ex ſenatus conſulto.

the Elders of his City ſhall ſend and fetch him thence, and deliver him into the Hands of Juſtice. Deut. xix. 12.

What the Number of theſe Elders was, and what in particular were the Duties of their Office, are Queſtions not ſo eaſy to be anſwer'd, from the ſhort Account we have of the *Hebrew* Hiſtory and Government; but in general, there is ſufficient to inform us, that the principal Affairs of the Publick paſſed through their Hands, were directed by their Counſel and Authority, and that they had all the uſual Powers of a Senate.

Sigonius ſuppoſes, that theſe Judges and Elders of the Cities, were according to an original Conſtitution of *Moſes* in the Wilderneſs; and afterwards continued by divine Appointment for the Government of the Tribes, when ſettled in the Land of *Canaan* *.

Moſes took *the Chief of the Tribes, wiſe Men, and known, and made them Heads over them, Captains over Thouſands, and Captains over Hundreds, and Captains over Fifties, and Captains over Tens, and Officers among the Tribes.* i. 15.

It is very probable, as the whole *Hebrew* Nation held their Eſtates by military Tenure, and as the Tribes were always to be in Readi-

* Dico ergo Judices civitatum, cum principibus ſuis . . . inſtitutos eſſe in ſolitudine a Moyſe primum ex auctoritate ſoceri ſui Jethro, deinde ex Dei præcepto. *Sigonius de Rep. Heb. l.* vi. *c.* 6.

neſs to raiſe a ſufficient Number of Men, in Arms, for Defence of their Country on any Occaſion, eſpecially if the whole Nation was to ſerve by Turns one Month in their Courſe; that this Militia was always officer'd; that the Colonels, the Captains, and lower Officers, were always in being, as is cuſtomary wherever a Militia is well diſciplin'd, or like to be of any conſiderable Service.

It is alſo very probable in itſelf, that theſe Officers ſhould have Civil as well as Military Authority; and be a Council of State in Things relating to the Peace and Welfare of the Publick, as well as a Council of War to direct the military Affairs of the Tribes, and command them as an Army.

This is the more probable, as it will make the Form of Provincial Government exactly anſwer the Form of the National Govern-
Numbers i. 16. ment; in which *the Princes of the Tribes of their Fathers, were Heads of Thouſands in Iſrael.* Theſe were the chief Military
ii. 2. Officers, *every Man of the Children of Iſrael was to pitch by his own Standard, with the Enſign of his Father's Houſe.* The Prince of each Tribe was the chief Commander of each Tribe;
iii. 4. *ſo Nahſhon the Son of Aminadab was Captain of the Children of Judah, and the whole Tribe of Judah is called his Hoſt.* Now it was theſe ſame Perſons who were to aſſiſt *Moſes*, and whom he conſulted when he did not ſummon the whole Congregation. This appears from the different

different Signals appointed for ſummoning theſe different Aſſemblies to meet. *When they ſhall blow with them* (with both Trumpets) *all the Aſſembly ſhall aſſemble themſelves, and if they blow but with one Trumpet, then the Princes which are Heads of the Thouſands of Iſrael ſhall gather themſelves unto thee.* Numbers x. 3, 4.

Now tho' theſe were military Officers, and ſummoned by Sound of Trumpet, they were not ſummoned only as a Council of War. The Queſtion in Law concerning the Succeſſion of Females to Inheritances *was brought before Moſes and the Princes, the chief Fathers of the Children of Iſrael.* The Princes of every Tribe are likewiſe joined with *Eleazer* the Prieſt, and *Joſhua* the Judge, in dividing the Land among the Tribes. xxxvi. 1. xxxiv. 17.

This Conjunction then of civil Authority with military Command, is ſo well known in the *Hebrew* Conſtitution, that both were united in their Judges, their Kings, and in all their chief Magiſtrates. It ſeems then very likely, that the Heads the Captains of Thouſands, Hundreds, Fifties and Tens, ſhould be veſted with civil as well as military Authority; and that the Officers of lower Command, ſhould be the Elders and Senate of their Cities; that the Officers of higher and more general Command, ſhould be the Princes, Elders and Senate of the Tribe, or Province.

This View of the *Hebrew* Government in their ſeveral Tribes may alſo give us a very probable Account of the Office and Authorities of Heads of Families, and Princes of Tribes, in whom the chief Direction of the ſeveral Tribes as diſtinct Provinces was lodged by the Conſtitution in Things civil and military, both for Council and Action.

Heads of Families, and Princes of Tribes.

Numb. i.

"The Diviſion of the People of *Iſrael*," Mr. *Harrington* obſerves, "was firſt geneaological, and then local. ---- The Tribes of "*Iſrael* genealogically reckoned were thirteen. In the genealogical Diſtribution of "the Tribes there were alſo obſerved certain "Ranks, Qualities or Degrees, as appears by "the Poll made of *Iſrael*, in the Wilderneſs of *Sinai*, and in the Tabernacle of "the Congregation by *Moſes*. Theſe Degrees were of two Sorts: Firſt, Phylarchs, "or Princes of Tribes; and ſecondly, Patriarchs, or Princes of Families, all hereditary Honours, and appertaining to the Firſtborn of the Tribe reſpectively *."

Geneſis xxxvi. 13, &c.

That Families ſhould have their reſpective Heads, was very agreeable to the Cuſtoms of thoſe early Times of the World. The Dukes of *Edom* were ſo many Heads of Families deſcending from *Eſau*, and the preſent Manner of the *Arabians*, who have moſt exactly preſerv'd the Cuſtoms of their Anceſtors, and who diſtinguiſh the Chiefs of their Families with Dignity and Authority, will further confirm

* Harrington Com. Iſrael. c. ii. §. 1.

firm it. A particular Inſtance of ſome one of the Tribes may give a clearer Notion of it. Let the Tribe of *Judah* be the Inſtance.

Judah was one of the Sons of *Jacob*, and his Poſterity made one of the Tribes of *Iſrael*; of this Tribe *Nahſhon*, the Son of *Aminadab*, was Prince. This Tribe was divided into ſeveral Families, not ſingle Houſholds, but as Families are uſed in Heraldry, for a Lineage or Kindred, deſcending from a common Anceſtor, including many particular Houſholds. So that the Sons of *Judah* became the Fathers of ſo many Families, who were diſtinguiſhed by their Names: *For the Sons of Judah after their Families were of Shelah the Family of the Shelanite, of Pharez the Family of the Pharzite, of Zerah the Family of the Zarhite; and the Sons of Pharez were, of Heſron the Family of the Heſronite, of Hamul the Family of the Hamulite.* It appears theſe Families and the Houſholds in each, as well as the Perſons in each Houſhold, were kept diſtinct: For on the Conviction of *Achan*, *Joſhua brought Iſrael by their Tribes, and the Tribe of Judah was taken; and he brought the Families of Judah, and he took the Family of the Zarhites; and he brought the Family of the Zarhites, Man by Man, and Zabdi was taken; and he brought his Houſhold, Man by Man, and Achan the Son of Carmi, the Son of Zabdi, the Son of Zerah, (or of the Family of the Zarhites) of the Tribe of Judah, was taken.*

Numb. i.

xxvi. 20, &c.

Joſhua vii. 16.

If

If you reckon the Tribes to be twelve, excluſive of the Tribe of *Levi*, which was not to be ſettled as a Tribe, there will be twelve Princes of Tribes, and fifty-eight Heads of Families in the twelve Tribes: In *Reuben* four, in *Simeon* five, in *Gad* ſeven, in *Judah* five, in *Iſſachar* four, in *Zabulon* three, in *Manaſſeh* eight, in *Ephraim* four, in *Benjamin* eight, in *Dan* one, in *Aſher* five, and in *Napthali* four. Theſe fifty-eight Heads of Families, with the twelve Princes, make the Number of ſeventy, juſt equal to the Number of Elders choſen in the Senate of *Iſrael*; *when the Lord ſaid unto Moſes, gather unto me ſeventy Men of the Elders of Iſrael*, which *Moſes* thus reports unto the People, *take ye wiſe Men, and underſtanding, and known among your Tribes, and I will make them Rulers over you.* Whence there appears ſome Ground for their Conjecture, who ſuppoſe the Number of ſeventy Elders to be taken from the Number of the Princes of the Tribes and Heads of the Families of *Iſrael*.

Numbers xxvi.

xi. 16.

Deut. i. 13.

Theſe Princes of Tribes and Heads of Families, are ſuppoſed to be the Heirs Male of the Patriarch of the Tribe, as of *Judah*, and of the firſt Progenitors of the ſeveral Families*.

Mr.

* Abulenſis, & Cornelius a lapide ait hos fuiſſe primogenitos qui ab ipſo capite tribus, ſive a Patriarcha, V. G. a Juda, directe per lineam primogenitorum, deſcendebant, quemadmodum principes familiarum erant primogeniti cujuſcunque familiæ. *Menochius de Rep. Heb. p.* 42.

Mr. *Harrington* calls them all hereditary Honours, and appertaining to the Firſt-born of the Tribe, or of the Family reſpectively.

It is very probable, that the Firſt-born of the Tribe or of the Family, was uſually the Prince of the Tribe or Head of the Family when he was of full Age, and without any Incapacity to diſcharge the Duty of the Office. Yet the Inſtance of *Nahſhon* Prince of *Judah*, will, I think, ſhew that if the Prince of the Tribe was not elective, he was not always the Firſt-born of the Tribe; for *Nahſhon* was not the Heir Male of *Judah*. *Nahſhon*, Prince of the Children of *Judah*, was *the Son of Aminadab the Son of Ram*, who was a younger Son of *Hezron*, the Son of *Pharez*, who alſo was a younger Son of *Judah*. 1 Chron. ii.

Whether the Prince of the Tribe then was hereditary or elective, is not ſo certain from the *Hebrew* Hiſtory. It ſeems moſt likely, that the Firſt-born were generally if not conſtantly prefer'd, when Minority or ſome other Incapacity did not require the Choice of ſome other Perſon.

Every Tribe then, had thus a Prince or Chief with four or five more or leſs Heads of Families, who commanded the Tribe when in Arms, and preſided in its Councils when aſſembled, as a civil or political Body. Their Dignity and Authority ſeem to be alluded to in the Song of *Deborah*, *Speak ye that ride on white Aſſes, ye that ſit in Judgment.* Judges v. 10.

ment. *Sigonius* has well expreſſed their Office in general: "The Princes of the "Tribes were thoſe who led each Tribe, "and had the Adminiſtration of their pub-"lick Affairs. The Office of the Heads of "Families, was to aſſemble the Families of "which they were Governors, to propoſe "to them what concerned the common "Good, and to be their Captains in War*."

"Theſe Princes of the Tribes, ſays *Me-*"*nochius*, were the Nobles or Peers of the "*Hebrew* Commonwealth. They were, "with the chief Magiſtrate of the Nation, "whether Judge or King, to give Counſel "and Advice, and to join in the Adminiſtra-"tion of Juſtice†."

Finally, "Theſe Chiefs of the Tribes, ſays "*Calmet*, were Captains in War, Judges and "Magiſtrates in Times of Peace, and Coun-"ſellors of the Prince in all Affairs, both ec-"cleſiaſtical and civil ‡."

Theſe

* Principes autem tribuum fuêre, qui ſingulas tribus duxerunt, earumque rationes adminiſtrarunt. Officium vero eorum (Patriarcharum) fuit, ut familias quibus præerant convocarent ad eoſque referrent, quæ ad rempublicam pertinerent, & duces earum in bello eſſent. *Sigonius de Rep. Heb. l.* vii. *c.* 5.

† Porro hi tribuum principes, Reip. Hebraicæ erant Megiſtanes, & Capita, & totius populi magiſtratui, ſive judex eſſet, ſive rex, aderant & cum illo ſedentes, partim conſilia inibant, partim jus reddebant. *Menochius Rep. Heb. l.* i. *c.* vi. §. 8. *p.* 42.

‡ Les Chefs des tribus, etoient capitaines dans la guerre, Juges, et Magiſtrats en tems de paix, & Conſeillers du prince dans les choſes ſacrées, comme dans les civiles. *Calmet Diſcertat. T.* i. *P.* ii. *p.* 518.

Theſe Princes of Tribes and Heads of Families may be repreſented, as Lords-Lieutenants of a County, and their Deputy Lieutenants; or as Generals, and Lieutenant-Generals; being conſtant General Officers when the Tribe was to march, as Part of the Army of *Iſrael*; and in the Tribe they were the principal Magiſtrates to ſummon the Tribe to a general Aſſembly when there was Occaſion for it, or when any Affairs relating to the whole Tribe were to be propoſed, or any Reſolution of Conſequence to be taken by the whole Tribe, or when any thing was to be communicated to it from the General States of the United Tribes, which required the Concurrence of the Province.

The Officers in each City may, in like Manner, be conſidered as the local Officers of the Militia in the ſeveral Hundreds and Diviſions of the County or Province. This made a Proviſion of Colonels and Captains, to draw the Forces of the Tribe together, and to lead them wherever they were directed to a general Rendezvous, where the Prince of the Tribe as General, and the Heads of Families as Lieutenant-Generals, ſhould receive them; and at all Times to exerciſe them to Arms at Home, the better to prepare them for the Service of their Country, whenever they ſhould be called to march in Defence of it.

As civil Authority was generally joined to military Command in this Conſtitution, ſo theſe

theſe Captains of Thouſands, Hundreds, Fifties and Tens, were alſo Elders of the People. They were as a ſtanding Senate and Council in the Places of their Habitation, ſo that we conceive the ſame Perſons inveſted with the Authority of Aldermen and Juſtices of Peace, at the ſame Time they were Colonels and Captains of the Militia.

Thus, with the Aſſemblies of the People, they managed the publick Affairs of each Hundred or Diviſion; at the ſame Time they were in Readineſs not only to appear as a Council of War, with the Prince of the Tribe, the General, and with the Heads of Families, the Lieutenant-Generals as military Officers; but moreover to meet them on all Occaſions as a civil Council or Parliament, as a Sort of Repreſentative of the People of the Tribe in its ſeveral Diviſions, when there was any Occaſion to ſummon them together, to treat on any arduous Affairs concerning the publick Good of the Tribe.

This Conſtitution of the particular Tribes, appears to me as plain and evident as can be expected in ſo ſhort a Hiſtory as we have of the *Hebrew* Nation; eſpecially when the original Conſtitution was ſo ſoon altered, and the Affairs of Government were ſo confuſed in the Anarchy ſoon after the Death of *Joſhua*. However, even in thoſe Times there are ſo many evident Marks of the principal Parts of the Conſtitution, as muſt render all the reſt

reſt highly probable to one who would carefully lay all Things together, in order to find out the Deſign and Plan of the whole.

CHAP. VI.

Particular Conſtitution of the Tribe of LEVI.

BESIDES the twelve Tribes ſettled in their diſtinct Provinces, and having each their diſtinct Government as before deſcrib'd, there was one Tribe which had a very different Conſtitution from all the reſt. This Tribe was to have no Share in the Land on the Diviſion of it, nor any Property in it. The Sons of *Levi* were not to live together, or to have the Families of their Tribe united, in a diſtinct Government of their own, as the other Tribes had. They were to be diſperſed through all the Tribes of *Iſrael*, to have their Subſiſtence from the other Tribes, and to live under the Government of that Tribe in which they had their Habitation, without any Property, without any ſort of Power or Authority, Civil or Military, of their own, as one of the Tribes of *Iſrael*, or in any other View than as they were deemed Members of that Province or Circle of the *Hebrew* Empire in which they reſided: But as they held no Lands, they could be ſubject to no Military

Tenure, on account of them, and were by the very Conſtitution incapable of any military Office or Preferment.

Numbers i. 2. Upon the general Poll of the Children of *Iſrael* after their Families, the Levites after the Tribes of their Fathers were not num-

47, &c. bered among them: *For the Lord had ſpoken unto Moſes, ſaying, only thou ſhalt not number the Tribes of Levi, neither take the Sum of them among the Children of Iſrael, but thou ſhalt appoint the Levites over the Tabernacle of Teſtimony.* The further Mean-

xviii. 20, 21, 23. ing of this Conſtitution is afterwards thus explained: *The Lord ſpake unto Aaron, thou ſhalt have no Inheritance in their Land, neither ſhalt thou have any Part among them. I am thy Part and thine Inheritance, among the Children of Iſrael, and behold I have given the Children of Levi all the Tenth in Iſrael for an Inheritance, for their Service which they ſerve, even the Service of the Tabernacle of the Congregation.----And it ſhall be a Statute for ever throughout your Generations, that among the Children of Iſrael they have no Inheritance.*

It is then, without Queſtion, a deſigned Part of the Conſtitution of the *Hebrew* Government, that the Levites, though one of the Tribes of *Iſrael*, ſhould not be ſettled in the promiſed Land in the ſame manner as the other twelve Tribes were. That they ſhould have no Share of Lands aſſigned to them, for their

their Property, and unalienable Inheritance; and therefore, as they had no Property in themſelves, they were to be provided for ſome other Way. This was appointed to be by an annual Tithe payable to this Tribe, by all the other Tribes, that they might attend the publick Service of the Tabernacle, and as the Reward of their Service: For, ſays the Law itſelf, *It is your Reward for your Service in the Tabernacle of the Congregation.* Numbers xviii. 31.

This is a well-known Part of the Conſtitution of the Tribe of *Levi*, but the peculiar Reaſons for this peculiar Conſtitution require a little more Attention.

The Levites were deſigned for the Service of the Tabernacle of the Congregation, or to attend the whole Service of *Jehovah*, as God and King of the *Hebrew* Nation, whereever it was he choſe or fixed the Place of his Reſidence, whether he marched with their Armies, or whether the Tabernacle reſted in any particular Place.

The Levites were moreover to teach the whole People the Law of God, and to inſtruct them in it, as *Moſes* explains their Office; *They ſhall teach Jacob thy Judgments, and Iſrael thy Law; they ſhall put Incenſe before thee, and whole burnt Sacrifice upon thine Altar.* Deuteron. xxxiii. 10.

It became the *Dignity* of the King of *Iſrael* to have a Court, and to be ſerved by his Subjects as their King, as well as to have an Altar and Sacrifices, and to be worſhipped

by the Church as their God. When both theſe Services were appointed to the Levites, it was appointed to them as a Service which the whole *Hebrew* Nation was ſome way or other to have attended; this Service would have been incumbent on the whole People, if the Tribe of *Levi* had not been ſubſtituted in their Room: So that by this Appointment of the Levites, the reſt of the Tribes were eaſed from all Attendance, from all the Expence and Loſs of Time, which muſt have follow'd on ſuch Attendance, if there had been no publick Proviſion for it. Therefore the Levites are ſaid to be given *for all the firſt-born of the Children of Iſrael.* And it follows, *I have given the Levites as a Gift to Aaron, and to his Sons, from among the Children of Iſrael, to do the Service of the Children of Iſrael,* (or to ſerve me for the Children of *Iſrael*, according to the V. L.) *in the Tabernacle of the Congregation.* It ſhould ſeem the Direction at the *Conſecration* of the Levites to their Office, refers to this Reaſon of their Appointment: *And thou ſhalt bring the Levites before the Lord, and the Children of Iſrael ſhall put their Hands upon the Levites; and Aaron ſhall offer the Levites before the Lord for an Offering of the Children of Iſrael, that they may execute* (or be to execute) *the Service of the Lord.* This Action of the Children of *Iſrael* is eaſily underſtood to mean, that the Levites were to execute the Service of

Numbers viii. 18.

19.

10, 11.

Jehovah,

Jehovah, in their ſtead, and for them, as well as by their Conſent.

You plainly ſee now, this Service of the Levites made it highly improper that they ſhould be ſettled in the ſame Manner that the other Tribes were; that all the Sons of *Levi* ſhould be placed locally together in one particular Part of the Land, or that they ſhould conſtantly attend the Cultivation of their ſeveral Farms, or that they ſhould be enliſted into a regular Militia, and train'd to Arms under the Heads of their Families and Princes of their Tribe, as the other Tribes were. This would have taken up all their Time, and have hinder'd all the Services of their Office, whether to attend the Service of the Tabernacle of the Congregation, or in teaching the People the Law. It was highly proper they ſhould be ſettled in every Tribe, that each Tribe might equally have the Benefit of their Inſtruction, and Advantage of their Learning in the Laws of *Jehovah*, for the better Adminiſtration of Juſtice; as theſe Laws were the Laws of their *Civil* Conſtitution, as well as of their *Religion* and Worſhip.

But then, it was as highly fit, that this Tribe of *Levi* ſhould have in return a reaſonable Conſideration and Reward, for Services in which they gave up many national Advantages to the other Tribes from themſelves, and in order to eaſe the whole Na-

tion from thoſe Services which otherwiſe they muſt have executed perſonally.

For the Tribe of *Levi* gave up to the other Tribes their whole Share of the Land, as one of the Tribes of *Iſrael*; and they gave up themſelves to the national Service of the Tabernacle, and to the publick Teaching of the Law, diſcharging all the other Tribes from any Burden of thoſe Services, and giving them full Leiſure to attend ſolely their own private Affairs, except when the Danger of their Country ſummoned them to Arms in Defence of it.

Theſe were Conſiderations that, in all Juſtice and Equity, required a ſuitable Proviſion and Reward. Nor was this Reward to be given the Levites, as many have very weakly conceited, as Miniſters of the *God of Iſrael*, or in the modern Cant, the *Hebrew Clergy*, or even as they were the *Servants of the King of Iſrael*, of his Court and Houſhold; but moreover as the Levites parted with their *own Inheritance* to the *Publick*; and for their publick Service, partly in teaching the Law to the People, and partly in excuſing them from a perſonal Attendance for the Service of the Tabernacle.

To underſtand the wiſe Reaſons of this Part of the *Hebrew* Conſtitution, it will be neceſſary to conſider more diſtinctly what that *Proviſion was*, which the Law made for the Levites, and the *Manner* in which the Laws of the *Hebrew* Government made this Proviſion

Proviſion for them; as both are ſo little underſtood by many, and ſo greatly miſrepreſented by ſome who pretend to underſtand them better.

The *Proviſion* which the Laws of the *Hebrew* Government made for the Levites, was a yearly Tithe of the Produce of the Lands, payable by the twelve Tribes; and this was properly the only Proviſion made for them as a Tribe: For tho' there were ſome other Payments by the People, as the Firſt-fruits, the Redemption of the Firſt-born, the Half-ſhekel Poll-tax, and the like; yet theſe were not to be divided among the Levites, as a Tribe. They were all appropriated to other Uſes, and were aſſigned to anſwer the Expences and conſtant Charge of the Tabernacle of the publick and national Sacrifices, and other Parts of the publick Worſhip of the Church; or for Tables in honour of the Court, Houſe, and Reſidence of the King of *Iſrael*.

This Diſtinction, between the *Tithes* and other *publick Revenues of Church and State*, and their Appropriation to very different Uſes, is not ſo commonly attended to as it ought; which has introduced no ſmall Darkneſs and Confuſion into this Part of the *Hebrew* Conſtitution.

The Levites were appointed to wait on the Sons of *Aaron*, the Prieſts for the *Service of the Houſe of the Lord, and the Work of the Service of the Houſe of God.*----And to ſtand *every Morning to thank and praiſe* 1 Chron. xxiii. 28. 30.

the Lord, and likewiſe at Even. They were divided as the Prieſts into their ſeveral Courſes, for their Attendance at the *Palace of the Preſence.* It became the Honour of the divine Preſence, and the Dignity of the Throne of the Kingdom of *Jehovah* over *Iſrael*, that ſome Proviſion ſhould be made for a decent Entertainment *of ſuch* Perſons as ſhould be in actual waiting on his Service; as Princes are uſed to have Tables at their Courts for their Houſhold and Servants in waiting. There were alſo many other neceſſary Expences of the Tabernacle and Temple, in Repairs, Ornaments, Sacrifices and Offerings, ordinary and extraordinary: Theſe were properly Expences, to uſe a modern Expreſſion, of a *Civil Liſt*, or of a *Church-Rate*, a very different thing from a Proviſion made for the Sons of *Levi:* For the Levites had no Share in them, otherwiſe than it may be the Convenience of a Table during the Time of their Courſe, and in waiting on the Service of the Tabernacle, wherever the Preſence was, after they had been at the Trouble and Expence of going up from their own Habitation from all Parts of the Country, and were to be at the ſame Trouble and Expence in returning to their Habitations again, as ſoon as the Time of their waiting was over. Of this kind were many Payments, in particular the Firſt-fruits, the Redemption of the Firſt-born, and the Half-ſheke! Poll.

A righter Underſtanding of this Obſervation may give an uſeful Light to many Things of greater Conſequence than they may at firſt appear to be. A Miſunderſtanding or a Miſrepreſentation of them has been made an Occaſion of ſevere Reflections without Ground and againſt Truth on the *Moſaical* Conſtitution of the *Hebrew* Government, as if it had made a moſt exorbitant Proviſion of Riches for the *Levitical* Tribe to an heavy Oppreſſion of all the other Tribes. Let us then a little conſider the other Revenues, as diſtinguiſhed from the Tithes, which only were the proper Portion of the *Levites*.

Firſt-Fruits.

The Law for the *Firſt-fruits* directs, they ſhould be paid at the Houſe of *Jehovah*, or the Place of the Preſence. *The firſt of the Fruits of thy Land thou ſhalt bring into the Houſe of the Lord thy God.* This Offering of the firſt Fruits was to be attended with an Acknowledgement of the Mercies of God, in bringing the *Hebrew* Nation out of a State of Affliction, Labour, and Oppreſſion in *Egypt*, into a Land flowing with Milk and Honey. The Perſon therefore bringing the firſt Fruits, was directed to ſay, *A Syrian ready to periſh was my Father. --- And when we cried to the Lord God of our Fathers, the Lord heard our Voice, and looked on our Affliction, and our Labour and our Oppreſſion,——and brought us into this Place, and hath given us this Land.—— And now behold*

Exodus xxiii. 19.

Deut. xxvi 5, 7, 9, 10.

hold I have brought the firſt Fruits of the Land which thou, O Lord, haſt given me.

The firſt Fruits then, ſeem to be paid as a kind of *Quit-Rent*, in Acknowledgement of *Jehovah* as Lord of the *Fee*, that the *whole Hebrew* Nation held of him as his *Tenants*, and that the Tenure of all their Eſtates, was of his Gift and Donation.

It is moreover to be obſerved of this Branch of Revenue, that the Law itſelf appointed no determined *Quantity*; ſo that the Quantity was left by the Law to the Diſcretion of each *Perſon* who offered. It ſhould ſeem the Quantity ſuppoſed in the Law, was not large, from a particular Conſtitution concerning it.

Deut. xxvi. 2,4. *And thou ſhalt take of the firſt of all the Fruits of the Earth, which thou ſhalt bring of thy Land that the Lord thy God giveth thee, and ſhalt put it in a Baſket, and ſhalt go unto the Place which the Lord thy God ſhall chooſe to place his Name there.—— And the Prieſt ſhall take the Baſket out of thine Hand, and ſet it down before the Altar of the Lord thy God.* A Baſket which a Man could carry in his Hand, was not like to hold very much: So that the *Talmudical* Doctors in this, as in many other Things, went beyond the original Law, when they afterwards ſettled the Quantity of the firſt Fruits to one in ſixty.*.

Authors

* Lex divina non definivit, quæ quantitas primitivorum adduci debuerit, ſed ex decreto ſapientum unum de 60, dari debet. *Reland Antiq. Heb. p.* 401, 403.

Authors are not agreed what the Difference was between the firſt Fruits, which the *Hebrews* diſtinguiſh by the Names of *Biccurim* and *Therumoth*, or indeed whether there was any Difference at all; it is not material, I think, whether there was or no, ſo we may let that paſs. But it may not be improper to obſerve, that though the *Traditionary* Writers allow the firſt Fruits to be eaten by the Prieſts, who were clean any where in the Holy Land, yet the *Scriptures*, as a learned * Man obſerves, do not allow keeping any of the firſt Fruits at Home. The firſt Fruits were reckoned of an intermediate † Holineſs between the Parts of the Sacrifices, which were to be eaten in the holy Place, and the Tithes which were to be eaten any where in the Land. The Law directed, and it no where appears by an After-Conſtitution, that Direction was altered, that the firſt Fruits were to be brought to the Houſe of the Lord: It was not neceſſary indeed they ſhould be eaten in the Holy Place, as the Parts of the Sacrifices were, which were therefore called the *moſt holy things*; for the firſt Fruits might be eaten by the Prieſts in their Houſes, and every one that was clean in their Houſes might eat of them with them. Yet ſtill it ſeems plain, the firſt Fruits were only to be eaten in the Place of the Preſence, or where the Houſe of *Jehovah* was; for there the firſt Fruits

Numb. xviii. 9.

13.

* Godwin's Moſes and Aaron, l. vi. c. ii.

† Reland Ant. Heb. l. viii. §. 10.

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Numb. xviii. 9.

13.

* Godwin's Moſes and Aaron, l. vi. c. ii.
† Reland Ant. Heb. l. viii. §. 10.

Fruits were to be brought and preſented to the Lord. They are therefore very properly to be conſidered, as the Proviſion of a Table for the Entertainment of ſuch only as were in actual waiting at the Palace of the King of *Iſrael*: A very inconſiderable Acceſſion to the Riches of the Prieſts that in the Time of their waiting, in the Rotation of their twenty-four Courſes, there was the Proviſion of a Table for them, who came and were to return ſo many Miles whenever their Attendance was in courſe.

There were ſome other *Taxes* payable in Money, as the Redemption of the Firſt-born, and the Half-ſhekel Poll; but neither of theſe was Part of the *Levites* Portion. As they have been greatly miſrepreſented, both in their Value and their Uſe, it will be proper briefly to place them in their true Light.

Firſt-born. The Law directed that the Firſt-born, whether of Men or Beaſts, ſhould be offered to the Lord; but it was provided by the ſame Law, that the Firſt-born of Men and the Firſtlings of unclean Beaſts ſhould be *redeemed*, that is, by paying a Sum of Money for them.

Numbers xviii. 15.

16. The Redemption of the Firſt-born of Men was ſettled at five Shekels, and the Firſt-lings of an unclean Beaſt at a Lamb; but the Firſt-born of Cows, Sheep and Goats, which were Beaſts of Sacrifice, were to be ſacrificed, and their Fleſh was to be eaten, as the Law directed eating the Parts of the other Sacrifices, which

Exod. xiii. 13.

Numbers xviii. 17.

were

were given to the Prieſts to be eaten in the Holy Place.

When we obſerve of theſe Firſt-born of Men, and Firſt-lings of Beaſts, that Part was to be redeemed for Money, and a Part to be offered in Sacrifice, and uſed as other Sacrifices were; it is very eaſy to perceive that neither the one or other Sort could be any Part of the *Levites* Portion: for what were ſacrificed, could be uſed no other Ways than as a Table for thoſe who were in actual waiting at *Jehovah*'s Palace; in like Manner, as the firſt Fruits above-mentioned were to be uſed, eſpecially as all Sacrifices were to be eaten only in the Holy Place. So that for all theſe they could be no richer, than ſaving a Dinner when on Duty in their Courſes.

As to the Firſt-born of Men and Firſt-lings of Beaſts, converted into Money by Redemption, the Tribe of *Levi* had no Share in them at all; that was a Treaſure appropriated to the ordinary and contingent Expences of the Tabernacle or Temple, that is, for the Building, Ornaments, Sacrifices, and other publick Expences; for all which the Tribe of *Levi* was never the richer. The want of keeping in View this manifeſt Diſtinction between the *Treaſure* of the Tabernacle and the *Portion* of the Tribe of *Levi*, has miſled ſome learned Men into conſiderable Errors, as well as it has given Occaſion to others, who ſeem fond of every Thing that offers to reflect on the Proviſion made for the Prieſts and Levites in the *Moſaical* Conſtitution. This

This diſtinct Uſe of the Treaſure of the Tabernacle from the Tithes, which were given for the proper Maintenance of the Prieſts and Levites, is evident from many Conſiderations. It appears from the very Nature of the thing, that there muſt have been ſome conſiderable Proviſion for the Uſe of the Tabernacle. Whoever will conſider, what the firſt erecting of the Tabernacle or Temple muſt have coſt, what was neceſſary to be expended on Repairs and keeping up the Beauty and Splendor of the Palace of *Jehovah*, what was conſtantly the Charge of the publick and national Worſhip and Sacrifices, muſt ſee, that all theſe Branches of Expence required an handſome Revenue or Civil Liſt to diſcharge them. And whoſoever ſhall further conſider how neceſſary it was to the political Government, as well as to the Religion of the *Hebrew* Nation, to preſerve a Reverence and Reſpect for the Preſence of *Jehovah*, as their God and King, (for this was the fundamental Conſtitution of their Government, as well as Religion) will ſee how neceſſary it alſo was, that the Palace of *Jehovah* as King, and the Preſence of *Jehovah* as God, ſhould be equal in Dignity and Magnificence to the Palaces of neighbour Kings, and the Temples of neighbour Idol Gods.

That this Branch of Revenue was actually appropriated to theſe Uſes of the Tabernacle, was long ſince obſerved by a very learned Author,

Author, in whoſe Words I ſhall chooſe to expreſs it:

"There were two Sorts of Treaſurers to "the ſacred Revenues, ſome were Treaſurers "of the firſt Fruits and Tithes, others of o- "ther Things ſacred to God, and conſecrat- "ed to him, as Vows, and the Redemption of "them, ſeem to be, the Firſt-born alſo, and "Shekels of the Sanctuary; and finally all "Things, which being turned into Money, "were offered in the Temple. From this "laſt Treaſury was taken what was neceſſa- "ry for the daily Sacrifices on the Sabbaths "and New Moons, and more ſolemn Feaſts, "on the Spices, Ointments, Flour, Offerings "of Wine and Oil, Frankincenſe and Shew- "bread.--- The Portions of the Prieſts and "Levites were paid them from the Treaſury "of the firſt Sort.*"

That Branch of Revenue, which aroſe from the Half-ſhekel Poll-tax, will deſerve a particular Conſideration, for other Reaſons beſides that moſt extraordinary Account a late Author *Half-Shekel.*

* Quod vero ad quæſtores rerum ſacrarum attinet, duo fuerunt genera, quidam enim erant primitiarum & decimarum. Alii aliarum rerum Deo ſacrarum, aut etiam conſecratarum, ejuſmodi videntur, fuiſſe vota, eorumque redemptiones, & primogenitorum, ſicli ſanctuarii, denique omnia illa quæ in pecuniam redacta templo offerebantur. Ex theſauro poſterioris generis depromebantur, quæ erant neceſſaria ad ſacrificium juge, ſacrificia ſabbatorum, neomeniarum, & feſtorum ſolemnium, aromata, unguenta, ſimilam libamida vini & olei, thus & panes propoſitionis. Ex theſauro prioris generis dabantur Sacerdotibus, & Levitis ſuæ portiones. *Bertram de Rep. Jud. l.* XV. *p.* 271.

Author has given the World of it. The Law itſelf, by which this Tax was raiſed, thus enacts; *And the Lord ſpake unto Moſes, ſaying, when thou takeſt the Sum of the Children of Iſrael after their Number, then ſhall they give every Man a Ranſom for his Soul unto the Lord, when thou numbereſt them; that there be no Plague amongſt them, when thou numbereſt them. This they ſhall give every one that paſſeth among them that are numbered, half a Shekel, after the Shekel of the Sanctuary,* (a Shekel is twenty Gerahs) *an Half-Shekel ſhall be the Offering of the Lord. Every one that paſſeth among them that are numbered, from twenty Years old and upwards, ſhall give an Offering unto the Lord. The Rich ſhall not give more, and the Poor ſhall not give leſs than half a Shekel, when they give an Offering to the Lord, to make an Atonement for your Souls. And thou ſhalt take the Atonement-money of the Children of Iſrael, and ſhall appoint it for the Service of the Tabernacle of the Congregation, that it may be a Memorial unto the Children of Iſrael before the Lord, to make an Atonement for your Souls.*

Ex. xxx. 11, &c.

It is plain on the firſt View of this Law, that whatever Sum of Money this Poll-tax might amount to, it was no Part of the Portion of the Prieſts and Levites; for it is expreſly appropriated to the Service of the Tabernacle of the Congregation, in particular towards

towards the Building, or Ornaments of it, as Biſhop *Patrick* has juſtly obſerved on the twelfth Verſe. This manifeſtly appears in the After-application of it; for this Money which amounted to *an hundred Talents and a thouſand ſeven hundred and threeſcore and fifteen Shekels*, was all laid out in the Ornaments of the Sanctuary, and Vail, and Pillars of the Tabernacle. Exodus xxxviii. 25, &c.

It further deſerves Obſervation, that the Law makes the Payment of this Half-ſhekel only an *occaſional Tax* for that time and occaſion, on erecting the Tabernacle; there is no mention, not the leaſt intimation in the Law, that it was to be raiſed annually, and to continue an annual Charge on the People.

The learned *Ainſworth** has therefore expreſsly obſerved: "Some do think that this "Commandment was but for the preſent "Building of the Sanctuary, and not to be "a yearly Tribute." And this Opinion, how ſtrange ſoever it may ſeem at firſt, ſince the Conſtitutions of the *Talmudiſts* have continued it ſo long as an annual Payment, as to wear out the memory of the ancient Uſage, is yet greatly countenanced by theſe two Conſiderations. For

Firſt; The Law itſelf does certainly not make it an *annual* Payment; now Laws that are made for raiſing Money, are never uſed to be ſo looſe as to direct only one Pay-

* *Ainſworth* on Verſe 16.

ment, and on a particular occaſion, and this an extraordinary one too, if they deſigned ſuch Money ſhould be raiſed annually and continue to be raiſed every Year, when the extraordinary occaſion for which it was given ſhould ceaſe. Whatever Reaſons then the *Talmudiſts* might have to perſuade the *Hebrew* Nation afterwards to raiſe this Poll-Tax annually, they could have no reaſon to lay any Obligation on the *Hebrews* from the original Law, which gives not the leaſt Direction or Intimation concerning it. Beſides,

Secondly, There is no *Inſtance*, or any Precedent in the whole *Hebrew* Hiſtory, of any ſuch Payment annually, or any Intimation that it was a ſtated Revenue of the Tabernacle or ſacred Treaſure, according to the Conſtitutions of *Moſes*, and original Laws of the *Hebrew* Government.

Afterwards, it is well known, the Payment of an Half-ſhekel became an annual Poll-Tax. There is a particular Title in the *Talmudical* Conſtitutions called *Schekalim**, which very particularly directs how it is to be payed.

By theſe Conſtitutions of the *Talmudiſts*, all Perſons, Prieſts and Levites as well as *Iſraelites*, were equally to pay this Tax; for the Conſtitutions declare none excepted, but Women, Servants, and Children. They further make the Uſes of this Money altogether *publick*, and allow not any the leaſt part of it for the Prieſts or Levites. Let the learned

* Schekalim, l. 1. §. 3, 4.

learned *Selden* give a juſt account of it, according to the Conſtitutions of the *Talmudiſts*.

" From this ſacred Treaſury were ſup-
" plied, not only the daily, monthly, yearly
" and ſabbatical Sacrifices, but alſo the Prieſts
" and High-Prieſts Veſtments, and other
" things belonging to the Worſhip; more-
" over, the Penſions of the Cenſors or Cura-
" tors of the Cities, of thoſe who taught
" the Prieſts the Rites of Sacrificing, and
" the like; of thoſe who corrected the Books
" which were written at *Jeruſalem*; of thoſe
" who were employ'd in the Adminiſtra-
" tion of Juſtice, and of other Servants and
" Works of the Commonwealth. Finally,
" the Expences of repairing Walls, Caſtles,
" Water-courſes, and ſuch things, were payed
" out of it, and this always according to a
" Rate ſettled by the great Council, or
" Sanhedrim*."

The Poll-tax then, which a late † Author would repreſent as a moſt extraordinary Revenue for the Prieſts, and as an enormous Op-

* Ex ærario hoc ſacro, non ſolum ſacrificia illa, quotidiana, menſtrua, annua, ſabbatica, ſuppeditabantur, atque veſtes ſacerdotales, pontificiæque, alia item ad cultum ſpectantia; verum etiam Cenſorum, ſive Curatorum Urbis; eorum qui ſacerdotes ritus immolandi, atque id genus alios docerent, libros Hieroſolymis deſcriptos corrigerent, Judicia exercerent, alicrum etiam ejuſmodi Reipublicæ miniſtrorum, operarumque ſtipendia, ac mercedes in muros, arces, aquæductus, id genus cætera reficienda, alioſque non diſſimiles ſumptus, ſolvebantur, idque juxta Synedrii magni ſemper taxationem. *Selden de Synedr. l.* iii. *c.* x. §. 3. Vol. II. 1684.

† Moral Philoſ. Vol. II. 137, &c.

preſſion of the *Hebrew* Nation, through the *Knavery* of *Moſes*, will really ſhew ſuch an inſtance of enormous *Ignorance*, or ſomething worſe in our Author, as is not to be excuſed in any Man who ſhall pretend to write on the Subject: For, let the amount of this Tax be what it will, the Prieſts and Levites were to pay it in common and equally with the whole Nation, and the Uſes of it were appropriated ſolely to the publiek Charge of the Nation; nor had the Prieſts or Levites the Diſpoſal of any part of it in their own Hands, all was to be ordered by the great Council of the Nation or Sanhedrim.

After all, what was the real Value of this Revenue, which is repreſented as ſo enormous? Our Author has given a very extraordinary Account of it. He reckons it the Sum of half a Shekel, payable three times every Year; he reckons the Value of a Shekel at ten Shillings, and ſuppoſing it was paid by a million and ſix hundred thouſand Perſons, according to the Poll in the Days of *Joab*, he concludes, it was equal to two millions and four hundred thouſand Shekels, or to one million and two hundred thouſand Pounds Sterling a Year; a conſiderable Sum indeed!

But, in the firſt place, our Author can know nothing at all, whether any Sum was ever paid, according to *Joab*'s Poll, of one million and ſix hundred thouſand Perſons, or whether there was any ſuch Tax in being for ſome

ome hundreds of Years, both before and after the Days of *Joab* or *David*. There is no mention of it in any part of the Hiſtory, there is no Law that requires it, nor is there any full Precedent of it any where to be found, till after the Deſtruction of the firſt Temple, with which *Moſes* and the *original* Conſtitution of the *Hebrew* Government have nothing at all to do.

Beſides, what was it ſtruck our Author's Imagination to fancy this Tax was to be paid three times every Year? This is a Blunder, for which there is not the leaſt ſhadow of Reaſon, nor do I believe it ever enter'd into any Man's Head, but our Author's. All Authors without exception, that I have ever met with, make it a yearly Payment, not three times a Year. All agree with the learned *Selden**, "This ſacred Tribute was annual." And the Teſtimony of *Joſephus*, alledged by him, puts it out of queſtion, that *Veſpaſian* "ordered the Half-ſhekel to be "paid every Year to the *Capitol*, as it was "before uſed to be paid to the Temple of "*Jeruſalem*." And yet this enormous Blunder makes our Author's Computation, even in his own way of reckoning, three times as much as it ſhould be, and reduces his Sum of one million and two hundred thouſand Pounds to four hundred thouſand Pounds a Year.

* Selden ib. p. 1682.

But to ſet aſide all theſe chimerical Calculations, let us ſee what it did really produce; we have a real Poll and the Sum it produced to a Shekel in the *Moſaical* Hiſtory. The Poll was taken on ſix hundred three thouſand five hundred and fifty Men, and the Sum at half a Shekel a Head, was one hundred Talents, one thouſand ſeven hundred threeſcore and fifteen Shekels. This is ſo exact, that when we know the Value of a Shekel and Talent, we know to a Shilling the Sum in *Engliſh* Money.

Exodus xxxviii. 25, 26.

Whatever Difference there may be, as to the exact Value of a Shekel, and ſo of a Talent, no one before our Author was ever ſo whimſically extravagant as to reckon the Shekel at ten Shillings.

A very uſual Eſtimation of the Shekel is at ſomewhat leſs than half an Ounce *Troy*; a little more than two Shillings and threepence *Engliſh* Money: Then the Sum will be thirty-four thouſand four hundred and eleven Pounds near.

But if we take the Valuation of the Shekel from the very accurate Accounts of Biſhop *Hooper*, and the Agreement between the *Hebrew*, the *Phœnician*, and the *Attick* Weight of *Solon*, taken from the *Tyrian*, the Shekel will be the ſame Weight with the Standard Tetradrachm of *Athens*.

As this moſt judicious Author has obſerved ſeveral Valuations of the Drachma, one at the Weight of 68,4. Grains, which he ſuppoſes

uppoſes to hold from *Solon* to *Alexander*; another at 65,5 Grains, from thence to the Subjection of *Greece* to the *Romans*; and another of 62,57 Grains, equal to the *Denarii* under the firſt *Roman* Emperors; let us compute this hundred Talents, one thouſand ſeven hundred threeſcore and fifteen Shekels at the higheſt rate of 68,4 Grains to the Drachma, which will make the Tetradrachm or Shekel ſomewhat more than our half Ounce *Troy*; then the Sum will be forty four thouſand four hundred and thirty-ſix Pounds near*.

What ſort of moral Computation muſt our Author have uſed, to ſwell his Account to one million and two hundred thouſand Pounds; for he ſeems to underſtand common Numbers well enough to have ſeen the Truth.

But our Author would have it, that the Value of a Shekel, is not to be taken from its Weight in Silver, which yet ſure is the intrinſick Value of all Coins; but from the Proportion of Money to other things. He produces an Inſtance to ſhew, that a Shekel ought to be computed at ten or twelve Shillings, for the Law directs a Man's Eſtimation at fifty Shekels. But whoever conſiders this very Inſtance, will ſee, it can no ways agree with his Value of a Shekel. The Law there ſets the Eſtimation of a Vow. Theſe ſettled Eſtimations in the Law ſeem to be de-

Leviticus xxvi. 2.

* Hooper's Enquiry, 335, 337.

ſign'd as a *Modus* not only to prevent all Diſputes, but to fix the Valuation at an eaſy rate. Thus the Redemption of the firſt-born is fixed at five Shekels, and the firſtling of an Aſs at a Lamb or Kid; which, conſidering the general Uſe and Value of Aſſes to ride upon and for Beaſts of Burthen, (for they had then no Horſes) was a very moderate Eſtimation. And as Vows were voluntary Acts, a low Valuation to encourage them ſeems much more likely to be deſign'd in the Law, than ſetting a very high Valuation, which would probably diſcourage them, if not altogether prevent the making of any.

Numbers xviii. 16. Exod. xiii. 13.

Now if theſe fifty Shekels are to be computed at ten Shillings each, the Redemption-Money will come to twenty-five Pounds, a full Price for a Servant, an exceſſive Price for the Redemption of a Vow; whereas fifty Shekels, according to Biſhop *Hooper*'s Valuation uſed above, will make the Redemption above ſeven Pounds ſeven Shillings, which is a ſufficient Eſtimation for ſuch a Redemption: So that our Author's Calculation of this ſuppoſed annual Tax, at one million and two hundred thouſand Pounds a Year, is an over-reckoning of one million one hundred and fifty thouſand Pounds *per Annum*.

And if after all, this Tax was not annual, as I am fully perſuaded is the Truth of the Caſe, and that it was not paid above once or twice occaſionally, from the time of erecting the Tabernacle to the Deſtruction of the firſt

Temple

Temple, that is, for above nine hundred Years; our Author will have overcharg'd the Payments of the *Hebrews* above a thouſand million of Pounds Sterling; more than as much again as the Purchaſe of all the Lands in *England*, in Fee, would amount to at twenty-five Years Purchaſe.

It is the more neceſſary to be thus particular, in ſhewing what was not the Portion of the Sons of *Levi*, by the *Moſaical* Conſtitution, becauſe without a juſt Obſervation of this Diſtinction we can neither rightly underſtand the true State of the Tribe of *Levi*, or the true Nature and Uſe of the publick Revenues of the *Hebrew* Government; for theſe were all the Revenues, for the Civil Government, Laws and Religion of the whole Nation; and conſidering all theſe Uſes of them, it will appear one of the moſt moderate, ancient or modern Hiſtory can furniſh us with.

Proper Proviſion of the Levites.

But let us now ſee, what the *proper Proviſion* for the Tribe of *Levi* was. Their proper Proviſion, as a Tribe, conſiſted in two Articles: In forty-eight Cities, with their Territory for their Habitation; and in the Tithe of all the Produce of Fruit and Cattle. Both theſe are pretty well underſtood in general, but the political Wiſdom of this Inſtitution is not ſo well underſtood as it deſerves to be, becauſe it ariſes from ſome Obſervations which are commonly overlook'd.

All

All the Sons of *Levi*, including both Prieſts and Levites, were to have no Property in any of the Lands of *Canaan*, except only in forty-eight Cities for their Habitation. This is an expreſs and ſtanding Law: *And Jehovah ſpake unto Aaron, thou ſhalt have no Inheritance in their Land, neither ſhalt thou have any Part among them. I am thy Part, and thine Inheritance among the Children of Iſrael.*

Numbers xviii. 20.

Levitical Cities.

But when the Levites were to have no Inheritance, as one of the Tribes of *Iſrael*, it was neceſſary they ſhould have *Houſes to live in*; and it was convenient and wiſe, theſe Habitations ſhould be ſo diſpoſed as to enable them to perform the proper Duties of their Office in the beſt Manner; therefore the Law aſſign'd to them forty-eight Cities, ſome in each of the Tribes in which they were to dwell, and ſo by the Reſidence of ſome of the Levites in every one of the Tribes, they might moſt conveniently perform the Services to which they were appointed. Thus therefore the Law enacts: *Command the Children of Iſrael that they give unto the Levites of the Inheritance of their Poſſeſſion, Cities to dwell in; and ye ſhall give alſo unto the Levites, Suburbs for the Cities round about them. . . . . And ye ſhall meaſure from without the City on the Eaſt two thouſand Cubits, and on the South-ſide two thouſand Cubits, and on the Weſt-ſide two thouſand Cubits, and on the*

Numbers xxxv. 2.

the North-ſide two thouſand Cubits, and the City ſhall be in the midſt; this ſhall be to them the Suburbs of the Cities. . . . So all the Cities which ye ſhall give to the Levites ſhall be forty and eight Cities, them ſhall ye give with their Suburbs; and the Cities which ye ſhall give, ſhall be of the Poſſeſſion of the Children of Iſrael; from them that have many, ye ſhall give many; but from them that have few, ye ſhall give few; every one ſhall give of his Cities unto the Levites, according to his Inheritance which he inheriteth. Numbers xxxv. 5. 7, 8.

When this Law was put in Execution, we find the Levitical Cities were thus allotted:

Out of the Tribes of *Judah*, *Simeon* and *Benjamin*, - - - -	13	Joſh. xxi. 4, 5, 6, 7.
Ephraim, *Dan*, Half-Tribe of *Manaſſeh*,	10	
Other Half-Tribe of *Manaſſeh*, *Iſſachar*, *Aſher*, and *Naphtali*, - - -	13	
Zebulun, *Reuben*, and *Gad*, - - -	12	
	48	

Each of theſe Cities containing four thouſand Cubits Square for their Suburbs or Territory, had about eight hundred and ten Acres aſſign'd to each of them, according to the leſſer Cubit, and about eleven hundred and one according to the Meaſure of the greater Cubit; the Sum of which for the forty-eight Cities, will amount to about fifty-two thouſand eight hundred and forty-eight Acres. This you will obſerve is a very material Circumſtance. It

It ſhews what a ſmall Proportion theſe Cities of the Levites bore to the reſt of the promiſed Land; and it opens another great Miſtake of a modern Author *, who remarks, that the Lands of the Levites would ſeem to amount to a ſeventh Part of the whole Country, tho' he is pleaſed to let them paſs for a tenth.

In a foregoing Computation of the Contents of the promis'd Land, it appear'd, that at a larger Computation it contained nineteen millions and two hundred thouſand Acres; at a mean Computation, fourteen millions nine hundred and twenty ſix thouſand; and at the loweſt Computation, eleven millions two hundred and ſixty-four thouſand. This would allow a large Remainder for publick Uſes, near twenty-three times as much as all the Levitical Cities amounted to: for when ten millions of Acres had been ſhared among the Tribes, the Remainder is one million and two hundred thouſand Acres and better; whereas all the Levitical Cities did not amount to fifty-three thouſand. You will then perceive at the very loweſt Computation of the Contents of the Land of *Canaan*, that the Lands of the Levitical Cities are ſo far from the Proportion of one ſeventh or one tenth, that they have not near the full Proportion of one in two hundred. But you will ſay, the *Iſraelites* were not in full Poſſeſſion of the promiſed

* Moral Philoſ. Vol. II. 137.

promiſed Land according to the original Grant, the *Canaanites* remain'd many of them ſtill in the Land. Be it ſo; was this the Fault of *Moſes* and the Conſtitution, or was it the Fault of the *Iſraelites* and a Breach of the Conſtitution, that the *Canaanites* were ſuffered to remain in the Land with them? However, what Proportion of the Land will you ſuppoſe the *Iſraelites* did poſſeſs? Will you allow it to be an half? Even on ſuch Suppoſition, the Lands aſſigned to the Levitical Cities, will not amount to one in a hundred; a Proportion ſomewhat leſs than a ſeventh or a tenth.

This is a true Computation of the Proportion of the Levitical Cities to the whole Land of *Iſrael*, if the four thouſand Cubits include the Areas of the Cities which are directed to be built in the midſt; and this is the Opinion of many learned Men. *Menochius* * has given a Plan of the Levitical Cities, with their Ground about them, in which he meaſures the two thouſand Cubits each Way from the Centre of the whole Ground; and ſo from the middle of the City, which he ſuppoſes to meaſure a thouſand Cubits within and a thouſand Cubits without the Walls, each Way from the Centre. But not to depend on the Opinions of learned Men, let us ſee what the Law itſelf directs. It is ſaid at the fourth Verſe, *And the Suburbs of the Cities which ye ſhall give* Numbers xxxv. 4, 5.

to

* Menochius de Rep. Hebr. *l.* ii. *c.* iii. § viii. *p.* 109.

to the Levites, ſhall reach from the Wall of the City, and outward a thouſand Cubits round about. Now in meaſuring from the Wall of the City outward, the Law appoints one thouſand Cubits only, not two thouſand; which *Grotius* ſeems well to expreſs *, "It was but one thouſand Cubits to the Ci-"ties." The next Verſe indeed directs, *you ſhall meaſure from without the City on the Eaſt-ſide two thouſand Cubits*; and ſo each Way. At firſt View it is plain, that theſe two Directions cannot be meant of the ſame Meaſure, from and to the very ſame Place, or from the Walls of the City to the End of the Ground without the Walls; it muſt be meant of different Meaſures, and therefore of different Places. In the firſt Caſe, meaſure from the Walls outward to the End of the Suburbs, and it will be a thouſand Cubits: In the other Caſe, meaſure from without the City, or from the End of the Suburbs inward, and ſo into the City, and to the Centre of the whole Ground, and it will be two thouſand Cubits each Way.

This gives a juſt and eaſy Senſe to theſe Directions, and the Difference is no more than meaſuring outward from the Walls in one Caſe, and from the Parts without the City into the City itſelf in the other Caſe: ſo that one Meaſure gives the Contents of the Suburbs alone, the other the Contents of the Suburbs and Cities together.

Yet

* Spatium mille Cubitorum acceſſio Urbium.

Yet as it is thought by ſome, that the Areas of the Cities are not included in the four thouſand Cubits ſquare, let an Addition be made for the Areas of the Cities: What ſhall it be, a thouſand, fifteen hundred, or two thouſand Cubits ſquare? Be it two thouſand, then the whole being a Square of ſix thouſand Cubits, or thirty-ſix millions of ſquare Cubits, will be ſomewhat more than as much again as the former Computation, or as thirty-ſix to ſixteen. Let then, if you will, an Allowance be made to the Levitical Cities of an hundred and ten thouſand Acres, inſtead of near fifty-three thouſand in the former Calculation, this will not amount to a tenth of the Remainder of one million two hundred thouſand Acres, after the Diviſion of ten millions, and is not one in a hundred to eleven millions two hundred and ſixty-four thouſand, the very loweſt Contents of the whole Land.

Tithes.

The Tenth however, it may be ſaid, was a very unequal Portion for the Levites. Our Author's Computation of this Revenue, is as curious and exact as his former Calculations have appeared to be.

"This, he ſays, was a Tenth of all the "original natural Produce of the Soil, in "Corn, Oil, Wine, and Fruit; and as this "Tenth was free from Labour and Expence, "it muſt have been at leaſt three Tenths of "the annual Rent of the Land. After this "had been taken away, the Prieſthood had a "Tenth

" Tenth of all the Beaſts and the firſt-born of " all Beaſts; this muſt have much exceeded a " Tenth, but I ſhall reckon them both at two " Tenths, or one Fifth; now ſince the Stock " upon an Eſtate muſt, upon an Average, a- " mount to at leaſt two annual Rents, one " Fifth will be two Fifths or four Tenths of " the annual Rent, which with the other three " make ſeven Tenths*." The following Articles of the Levitical Cities, and the Half-ſhekel Poll-tax, which, with our Author, make three Tenths more, to ſhew the Revenue of the Prieſthood amounted to the full annual Rent of the whole Land, have been ſo fully conſidered before, that I ſhall beg Leave to caſt them out of this Reckoning, eſpecially as in our preſent Queſtion concerning the Tithes, it is moſt certain they could not be any Part of them.

But are not ſeven Tenths of the annual Rent a moſt burdenſome Tax? Does it not amount to fourteen Shillings in the Pound? True; but what if our Author's Computations of ſeven Tenths prove, on Examination, like his foregoing Calculations? Examine them, and ſee.

The Prieſthood had, he ſays, a Tenth of the natural Produce of the Soil in Corn, Oil, Wine, and Fruit. This was then a Tenth of the natural Produce. . . . . Of what Soil, I beſeech you? Not ſure of Paſture, Meadow, Wood-lands, or Timber; not then of the

* Moral Philoſ. Vol. II. 137.

the whole Land, as our Author would have you underſtand it.

The Reaſons for which be to himſelf; but till our Author can aſcertain how much of the Land of *Canaan* produced Corn, Wine, Oil, and Fruits, he muſt certainly conclude without Premiſſes, when he makes it amount to any determined Proportion of the whole Land, or even to aſcertain any Sum for the Produce of the arable Lands or Fruit-Grounds themſelves.

It is probable the arable Lands and Fruit-Grounds, were not a third part of the whole Country, and then our Author's Computation, inſtead of three Tenths of the annual Rent of the whole, will be but one third of a Tenth of the whole Produce; that is, it will be no more of the whole Produce than three Pounds ſix Shillings and eight-pence *per Cent.*

As to the Tithes of Cattle, you will obſerve that the Firſt-born, as has been ſhewn before, belongs to another Account; whatever that Revenue was, it belonged to the *Treaſury* of the Temple, and was no Part of the proper Revenue of the Levites.

" But the Prieſthood, ſays our Author, " had a Tenth of all the Beaſts; this muſt " have exceeded a Tenth, but I ſhall reckon " them at two Tenths, or one Fifth. And " ſince the Stock upon an Eſtate muſt, " upon an Average, amount to at leaſt two " annual Rents; one Fifth will be two

" Fifths, or four Tenths, of the annual " Rent."

Here we muſt aſk our Author, what annual Rent does he mean? Sure he ſhould mean no other Rent than of the Paſture-Grounds; for what ſort of Cattle are Corn-fields, Olive-trees, or Vines uſed to produce? Here too our Author concludes without Premiſſes, till he can aſcertain what was the Proportion of Paſture-Ground to the reſt of the Land of *Canaan*. It might be, for any thing he knows to the contrary, but one Tenth, or but half a Tenth of the whole Produce; tho' he puts it down at four Tenths, with his uſual Aſſurance.

There is another Queſtion, that deſerves particular Attention on this Head. The Prieſthood had, our Author ſays, one Tenth of all the Beaſts: What, had the Prieſthood one Tenth of all the Beaſts, fed in all the Paſtures of the *Hebrew* Land? Had the Prieſts the tenth Fleece of all Sheep fed in them, or any Conſideration for the Herbage or Feeding of any Cattle throughout the whole Land? Where do you find any ſuch Conſtitution, or Cuſtom? The Law only directs, *concerning the Tithe of the Herd, or of the Flock, even of whatſoever paſſeth under the Rod, the Tenth ſhall be holy unto the Lord.* As to the Cuſtom of Tithing, according to this Law, let the learned *Selden* inform us: " For their Cattle—— of " the Increaſe of them, one Tithe only was

Lev. xxvii. 32.

" paid, and that to the Levites. At the Tith-
" ing they uſed to ſhut the Lambs, for Ex-
" ample, in a Sheep-coat, where the Straitneſs
" of the Door might permit but one at once
" to come out; then opening the Door, ei-
" ther gently to hunt them out, or placing
" the Ewes bleating near them without, ſo
" to cauſe them to run out one by one, a
" Servant ſtanding at the Door, with a Rod
" coloured with Oker, ſolemnly told to the
" Tenth, which Tenth with his Rod he
" marked: So they underſtand going under
" the Rod *."

For all our Author's Dexterity in Calculation, to make the Tithes of the *Hebrews* amount to a full annual Rent of the whole Land, you evidently ſee it does not amount to one Tenth of the annual Produce; which according to his own Eſtimate of the Produce, equal to three annual Rents, will not be a full Quarter of the whole: for it is moreover to be obſerved, that the whole Land was not Tithable, no Woodlands, no Timber, or *Sylva cædua*, paid any Tithe at all; even the whole Cattle, the moſt conſiderable Part of the *Hebrew* Huſbandry, paid only a Tithe of the Young. So that when the tenth Lamb, Calf, *&c.* were paid for Tithe, the Remainder paid nothing more, either in Wool or for Herbage, how many Years ſoever they were kept for any Uſe. So that the whole Country of the *Hebrews* did by no

* Selden of Tithes, c. ii. §. 5. V. III. p. 1085.

means pay a Tenth of the Produce. The greater Part of the Land in Quantity, and likely the larger Produce in Quality, all the Woodlands and Graſing-grounds, either paid nothing at all, or ſo ſmall a Matter that it could not amount to near one Tenth.

But is there not mention of a ſecond, and even of a third Tithe? As there is a little Obſcurity in what the *Hebrew* Authors have written concerning this Tithe, which ſeems to have miſled ſome into miſtaken Notions, as if this was a Part of the Levitical or National Revenue, and to have given Occaſion to others to miſrepreſent the *Hebrew* Conſtitution as unreaſonably partial to the Levites; let it be examined ſomewhat more particularly.

Deut. xiv. 23, 24. There is a Direction in the Law, *Thou ſhalt eat before the Lord thy God in the Place which he ſhall chooſe to place his Name there, the Tithe of thy Corn, of thy Wine, and of thine Oil, and the Firſtlings of thy Herds and of thy Flocks, that thou mayeſt learn to fear the Lord thy God always.* It is further directed, that if the Place be too far, *then ſhalt* 25. *thou turn it into Money, and bind up the Money in thine Hand, and ſhalt go to the Place which the Lord thy God ſhall chooſe.* To what Uſes this Money was appropriated, the 25. Law further declares; *And thou ſhalt beſtow that Money for whatſoever thy Soul luſteth after, for Oxen, or for Sheep, or for Wine, or for ſtrong*

ſtrong Drink, or whatſoever thy Soul deſireth; and thou ſhalt eat there before the Lord thy God, and thou ſhalt rejoice, thou and thy Houſhold. The plain Meaning of this Law is no other than an Injunction on the *Hebrew* Nation, to uſe one Part of their Income in Hoſpitality, to rejoice in the Goodneſs of God when they came before his Preſence, to acknowledge they owed all their Bleſſings to his Protection and Favour, and to glad the Hearts of the Poor, the Fatherleſs and the Widow, with a chearful Entertainment, imi- 29.
tating the Goodneſs of God to themſelves by ſuch Acts of Kindneſs to others; but this was left intirely to the Owner, and his Good-will, on what to ſpend it, and whom to entertain. He is expreſly allowed to lay it out *for whatſoever his Soul luſteth after, or deſireth.* This is therefore not unfitly called by the *Hebrew* Writers, The Tithe of Feaſts, and the Poor Man's Tithe.

But what was the third Tithe? The following Direction of the Law may explain it. *At the End of three Years thou ſhalt bring* 28, 29.
forth all the Tithe of thine Increaſe the ſame Year, and thou ſhalt lay it up within thy Gates; and the Levite (becauſe he hath no Part nor Inheritance with thee,) and the Stranger, and the Fatherleſs, and the Widow, which are within thy Gates, ſhall come and eat and be ſatisfied, that the Lord thy God may bleſs thee in all the Work of thine Hand which thou doeſt.

This is a Direction how the Tithe of Feaſts, or of the Poor, ſhould be uſed the *third Year*. It was not to be ſpent every Year at the Place of the Preſence, or where the *Shechinah* reſided; but the third Year it was to be ſpent at home in their own City. So that what is called the *third Tithe*, is what the Law ſpeaks of as the Tithe of the *third Year*, which was to be ſpent every third Year in their own Cities.

Let us ſee how the learned *Selden* repreſents this Matter: "This firſt Tenth paid, "(*viz.* the Levites Tenth) the remaining "nine were accounted profane, or for com-"mon Uſe; yet not to be ſpent by the "Poſſeſſor, until he had taken out of "theſe nine another Tithe, which he was "the firſt two Years to carry to *Jeruſalem*, "----and ſpend it there at the Temple in "Feaſts,---and every third Year the ſame he "was to ſpend upon the Poor and Levites, "within his own Gates.---This other Tithe "they call their ſecond Tithe, or Tithe of "Feaſts.----Some make a third, as *Tobit*; "--but he means only the Tithe of the third "Year; that is, the Tithe which every third "Year after the firſt Tithe paid was to be "laid up by the Huſbandman in his own "Gates, for the Levites within his Gates, "the Stranger, the Fatherleſs, and the Wi-"dow, which *Joſephus* alſo names a third "Tithe to be beſtowed every third Year, and "this the *Rabbins* call the Poor Man's "Tithe;

" Tithe; and it is alſo intituled a third, but " falls better under the ſecond of our Divi- " ſion, *and need not to be made a third: Nor* " *is it* *."

Theſe ſecond and third Tithes then ſeem to be one and the ſame, only to be uſed at different Times in a different Manner for two Years at the Place of the Preſence, and the third Year at home; but it is evident they were no Property of the Levites, no National Tax, or aſſigned for any publick Uſes. The Law appropriates them to Hoſpitality, according as the Owner himſelf ſhall chooſe, to rejoice their Houſhold, the Stranger, the Fatherleſs, and the Widow, among whom they were not to forſake the Levites; many of whom, eſpecially their Fatherleſs and Widows, might ſtand in need of their Neighbours Hoſpitality, as much, perhaps more, than the other Inhabitants of their Cities.

Conſiderations given by the Levites for the Tithe.

There is one thing relating to the Levitical Revenues, which a late Author has paſſed over in deep Silence; with Art enough for his Purpoſe, but hardly with that Regard for Truth one might have expected from a Moral Philoſopher. The Tithe is repreſented as very great, and the more valuable, as the Levites had ſo large a Portion of the Produce of the Land aſſigned them without any Labour or Expence of their own; but why were not the Reaſons and Conſiderations of this Aſſignment taken into the Account?

* Selden of Tithes, c. ii. §. 2, 3. V. III. p. 1083.

To put a true Eſtimate on this Proviſion for the Levites, a Love of Truth and Juſtice, which I take to be Moral Virtues, require we ſhould obſerve, whether any Conſideration was given for this Aſſignment, and what that Conſideration was? It was not a burdenſome Tax on the other Tribes, only for their Support as a National Clergy; for the Levites gave up their own Property and Privileges as a Tribe to the Nation, and took upon themſelves the National Services of the Sanctuary and of the Law, as a Conſideration for it.

The Tribe of *Levi* was one of the Tribes of *Iſrael*, as much as *Judah* or *Ephraim*. It had as juſt a Claim to a Proportion of the promiſed Land for an Inheritance as any of the other Tribes; the Tribe of *Levi* then had a *previous* natural Right to a Share in the Land in full Property, and to an independent Government, as a Tribe under its own Prince, and Heads of Families, as any of the other Tribes had, according to the *Hebrew* Conſtitution.

Yet, as the peculiar Service of the Levites made it inconvenient their Time ſhould be taken up with Huſbandry and Arms, or that they ſhould live together as one Tribe, which would have been inconſiſtent with their Study of the Law, and the National Advantages deſign'd by their Knowledge of it; it was appointed by the Conſtitution, that they ſhould give up their Share of the Land to the

the Publick; and for the better Service of the Publick, that they ſhould part with their own Government and Security as a Tribe, by inhabiting together in one Province, and be ſeparated throughout all the Tribes of *Iſrael*, under the Government, and ſubject to the Power of that Tribe where they had their Habitation.

Now ſo much of the Tithes, as the *Levites* thus purchaſed for a valuable Conſideration, ought to be accounted their own proper Eſtate, as much as an Annuity paid by a Government for a Sum of Money advanced by the Annuitants for the Service of the Publick. Let us juſt obſerve what this may reaſonably amount to.

The *Levites* were a thirteenth Tribe; to make the Computation leſs exceptionable, let their Proportion of Land be eſtimated at a fifteenth. Then in every hundred Pounds a Year Produce, the *Levites* Property would have been ſix Pounds thirteen Shillings near. Now the Tenth of one hundred Pounds a Year amounting to ten Pounds, the *Levites* really received no more above their own Property, as one of the Tribes of *Iſrael*, than three Pounds ſeven Shillings, or not three and a half *per Cent.*

But there are other Conſiderations of conſiderable Conſequence, as I apprehend, in this Computation.

The

The *Levites* in this Exchange of a real Eſtate for an Annuity, gave up Poſſeſſion, and yielded away all the Advantages of perſonal Property, and independent Government. They truſted ſolely to the national Faith, for the ſecure Payment of their Annuity; they diveſted themſelves of all Power of Re-entry upon Non-payment, and ran the hazard of the Inſolvency of any Tribe, or any Part of the Country, either by ill Huſbandry or accidental Damages, by reaſon of Contentions at Home, or Invaſions from Abroad; ſo that no Misfortune could befall either the *Hebrew* Nation, or any one of the Tribes, but the *Levites* Annuity muſt feel it, and ſuffer a Deficiency by it.

Further it may be obſerved, how little to the purpoſe the Moral Philoſopher has diſtinguiſhed between an annual *Rent* and an annual *Produce*. For the Property given by the *Levites* to the Publick, and actually diſtributed among the other Tribes, gave up the *annual Produce*, not an *annual Rent* only; and had the *Levites* kept their Property in their own Poſſeſſion, they would have received not one Rent only, but the whole three Rents. It is true, then they muſt have kept their Farms in their own Hands, and have been employ'd in Huſbandry with the reſt of their Neighbours, which now others were to do for them; but what then? Was it an unequal Convention, that the Nation ſhould do

for

for the *Levites* their Work of Huſbandry, when the *Levites* were to do for the whole Nation all the Services of the Sanctuary, and every where to aſſiſt the Adminiſtration of Juſtice, by their Study and Knowledge of the Law? It was highly neceſſary ſome Perſons ſhould be appointed to theſe Services, when the *Levites* were appointed to them, and freed all others of the Nation from them. It was moſt equitable, that the Nation ſhould free the *Levites* in their Turn from the Care of Huſbandry, that they might be able to do the national Services for which they were appointed.

Before we take Leave of this Part of the *Hebrew* Conſtitution, let us view it in one Light which is not very common, though it ſeems obvious and plain enough.

Care to prevent too much Power in the Levites.

The Rank of the Prieſts and *Levites*, as Miniſters of Religion, as the Men of beſt Underſtanding and Knowledge in the Laws, as of great Intereſt in the Nation, and Influence in the Adminiſtration of Juſtice, might have proved too great a *Balance* of Power in one Tribe, if they had retain'd with theſe Advantages a conſiderable Property in Land, and an united independant Government in themſelves, as one of the Tribes of *Iſrael*, according to the Model of the other Tribes or Provinces.

I cannot but look upon it as a wiſe Intention, and an original Deſign in the Conſtitution,

ſtitution, appointed with great political Skill to cut off all poſſible Abuſe of ſuch Power and Influence, as their Character might give them. By theſe Means they were deprived of all Power to hurt the Liberty of the other Tribes, or any ways endanger the Conſtitution by any ambitious Views or Projects: for not only all the Eſtates of the *Levites*, but their Perſons too, were given into the Hands of the other Tribes, as ſo many Hoſtages, and as a Security for their good Behaviour. They were ſo ſeparated from one another, that they could no Way mutually aſſiſt each other in any ambitious Deſign. They were ſo diſperſed among the other Tribes, that it was abſolutely in their Power, upon any national Quarrel, or even on a Suſpicion of any ill Deſigns of the *Levites*, to put a Stop to their whole Livelihood, and ſeize on all their Perſons at once. You may hence perceive, that whatever Power or Influence the Conſtitution gave the *Levites* to do good, the ſame Conſtitution carefully provided to put it out of their Power to do ill, either to diſturb the Peace or endanger the Liberties of their Country.

CHAP.

CHAP. VII.

Union of the Tribes, or general Government of the HEBREW *Nation.*

THE Polity of the *Hebrew* Government we have ſeen ſettled, each of the Tribes of *Iſrael* in their Lots or Portions of the Holy Land, as ſo many diſtinct Provinces; each Province having its particular Government or Scepter, and ordering its own Affairs by its own Princes, Heads of Families, Elders and Courts. The Tribe of *Levi* had a particular Conſtitution, different from all the reſt, as it was deſigned for different Services of the Sanctuary and the Law; but the Wiſdom of this Conſtitution did not only provide for the good Government of each Tribe within itſelf, it took care alſo to provide for the common Welfare of the whole Nation, as it was to be one Kingdom of *Jehovah*, to unite their Counſels, their whole Strength and Power, for the common Defence and Proſperity of the whole.

But wherein this Union of the Tribes into one Body did conſiſt, is not commonly ſo well underſtood as one would wiſh, who is deſirous to ſee the true Plan of this Government,

ment, and diſpoſed to perceive the Wiſdom of this Conſtitution.

Though the Hiſtory of the *Hebrews* is ſhort, and they very ſoon departed in many things from the original Conſtitution, after the Adminiſtration of *Moſes* and *Joſhua*; yet there is ſo plain Evidence of the Congregation of *Iſrael*, of a great Council or *Senate* of Elders, of a *Judge* or a Stadt-holder, of the Voice of *Jehovah*, his Word, or Oracle, in the general Adminiſtration, and in Affairs that concerned the whole Nation; that every one muſt obſerve, theſe made a conſiderable Part of the *Hebrew* Government, and that the Union of the Tribes into one Government was intended to be placed in them; in theſe were their Councils to be united, by them their joint Forces were to be directed. Thus they became one united Body for the Preſervation of their common Liberty, Peace and Religion, againſt all Oppoſition, how much ſoever each of the Tribes was made independent of the other particular Tribes, and ſovereign in its own Tribe, in the Adminiſtration of Juſtice within itſelf.

If we ſuppoſe the Congregation of *Iſrael*, the great Council, the Judge or Stadtholder, and the Voice of the Oracle, all concurred in the Adminiſtration of the general Government, it will eaſily appear that the general Union of the Tribes as one Body may be conceived after this Manner; that the Congre-

Congregation of *Iſrael*, or the whole People, enacted; that the great *Council* adviſed, conſulted, and propoſed; that the *Judge* or Stadtholder preſided in their Councils, and had the chief Hand in executing what was reſolved in them; and that the *Oracle* was to aſſent to and approve what was reſolved, and authorize the Execution of it in Matters of the greateſt Importance to the whole State: ſo that the general Union of the whole Nation may not improperly be thus expreſſed: It was by the Command of the People, and Advice of the Senate, the Judge preſiding, and the Oracle approving *.

Let us a little examine theſe Particulars, and ſee whether there is not ſufficient Reaſon thus to conſider the Conſtitution of the States-General of the united Tribes of *Iſrael.*

No proper legiſlative Power in this Conſtitution.

But before we proceed to Particulars, it may ſerve much to prevent Miſtakes in this Inquiry, to make one previous Obſervation, that there were no proper *legiſlative* Powers lodged any where in this Conſtitution; for theſe States-General, whether conſidered each of them ſeparately, or all of them with mutual and joint Conſent, had no Authority veſted in them either to repeal Laws in being, or to make new Laws. The Laws of this Nation were the Laws of *Jehovah*;

* Jubente Populo ex Senatus Conſulto, præſidente Conſule, approbante Oraculo.

Jehovah; theſe were ſo ſacred as to be unalterable in a much higher Senſe, than the Laws of the *Medes* and *Perſians*. *Jehovah* was the only *Lawgiver*, and there is an expreſs Law which enacts: *Now therefore, O Iſrael, hearken unto the Statutes and unto the Judgments which I teach you, for to do them, that ye may live and go on, and poſſeſs the Land, which the Lord God of your Fathers giveth you. Ye ſhall not add unto the Word which I command you, neither ſhall ye diminiſh ought from it, that ye may keep the Commandments of the Lord your God, which I command you.*

Deut. iv. 1, 2:

xii. 32. The ſame Command is repeated, *What thing ſoever I command you, obſerve to do it, thou ſhalt not add thereto or diminiſh from it.*

From hence a learned Author juſtly concludes, "That the Right of *Sovereignty*, "which conſiſts in making Laws, was not "given to any by the *Hebrew* Conſtitu-"tion*." It was a Right *Jehovah* reſerv'd to himſelf, who only gave his Law to *Iſrael*; and another eminent Author has very truly obſerved of the Tribes of *Iſrael*, "That the Power of Legiſlature could not "in a proper Senſe belong to them; for "tho'

* Hoc igitur argumento maximo eſt, juris illius Majeſtatis, quod in legibus ferendis eſt poſitum, nihil quicquam penes hominem fuiſſe. *Conringius de Republ. Heb.* §. 10. p. m. 246.

" tho' they might, and did make ſuch Rules " as we commonly call *By-Laws*, yet the " Law of *Moſes* was their unalterable Law, " both for civil and eccleſiaſtical Affairs *." Wherever then the Union of the Tribes was placed, we muſt not expect to find any proper legiſlative Authority or Power; for the Laws both in Affairs civil and eccleſiaſtical, being at the firſt given by God himſelf, were by his Authority made ſacred and unalterable.

Yet ſtill, there were many things in the due Obſervation and Execution of theſe Laws relating to the common Intereſts of the whole People, concerning which the Laws had made no particular Proviſion, or given particular Directions. In ſuch Caſes it was neceſſary the *Hebrew* Nation ſhould have a national Authority, both in taking Advice, and in executing what ſhould be reſolved upon, as the common Concern of the whole People. Thus the united Counſels and Force of the Nation were under the Direction of the Congregation of *Iſrael*, the Senate of Elders or great Council, the Judge, and the Oracle.

Let us examine the proper Parts of each, a little more diſtinctly.

* Bp. Sherlock, Diſſert. III. 317.

CHAP. VIII.

Congregation of all Iſrael.

BESIDES the Aſſembly or Congregation of the *Hebrew* People in each particular City, and in each Tribe, which have been conſidered before in the provincial Government of the Tribes; there is alſo Mention of all the Congregation of the Children of *Iſrael*, and all the Children of *Iſrael*, even all the Congregation, and *the whole Congregation of the Lord**. This Aſſembly or Congregation of the whole People is diſtinguiſhed from the Princes and Elders. *Moſes* is directed to make two Silver Trumpets, *and if they blow with them, all the Aſſembly ſhall aſſemble themſelves at the Door of the Tabernacle of the Congregation; and if they blow with one Trumpet only, then the Princes which are Heads of the Thouſands of Iſrael, ſhall gather themſelves together.* When *Moſes* came down from Mount *Sinai*, with the two Tables in his Hand, firſt *Aaron* and *all the Rulers of the Congregation* came to him, and *Moſes* talked with them, and afterwards *all the Children*

Joſhua xxii. 16.

Numbers xxvii. 20, 21.

Numb. x. 3, 4.

* There were two ſuch Aſſemblies of the People in the *Lacedæmonian* Government, the one of thoſe who were Inhabitants of the City, called Μικρα Εκκλησια, the leſſer Aſſembly; the other of all the Inhabitants of the Country of *Laconia*, called ſimply the Aſſembly, or Εκκλησια. *Craig. de Repub. Lacedæm. l.* i. *c.* vii. *p.* 48.

dren of Iſrael came nigh, and he gave them in Command all that the Lord had ſpoken unto him on Mount *Sinai*. *Then Moſes gathered all the Congregation of the Children of Iſrael together, and ſaid unto them, Theſe are the Words which the Lord hath commanded that ye ſhould do them.* When *Moſes* was directed to propoſe God's Covenant to the People, and declare to them his Promiſe of peculiar Protection, Favour, and Bleſſing, and to take their Homage and Promiſe of Obedience to him as God and King, it was propoſed to them in this Form: *Now therefore if ye will obey my Voice indeed, and keep my Covenant, then ye ſhall be a peculiar Treaſure unto me above all People.* *Moſes* ſummons the People to conſent to this Covenant, and promiſe their Allegiance; *And Moſes came and called the Elders of the People, and laid before their Faces all theſe Words, which the Lord commanded him; and all the People anſwered together and ſaid, all that the Lord hath ſpoken we will do.*

Exodus xxxiv. 31, 32. xxxv. 1. xix. 5. 7.

Joſhua, after the Settlement of *Iſrael*, and when he was grown old, called for *all Iſrael*, or ſummoned a full *Hebrew Parliament*; that is, he called *for their Elders, for their Heads, and for their Judges, and for their Officers; and Joſhua gathered all the Tribes of Iſrael to Shechem, and called for the Elders of Iſrael, and for their Heads, and for their Judges, and for their Officers,*

Joſh xxiii. 1, 2.

and they preſented themſelves before God; and Joſhua ſaid unto all the People, Thus ſaith the Lord God of Iſrael.

Joſhua xxiii. 1,2.

Who were the Members of this Congregation.

When this *Aſſembly* is called *all the Congregation of Iſrael, all Iſrael*, the *whole Congregation* of the Lord, ſo full Expreſſions ſhould ſeem to mean, that every one who was a free *Iſraelite* had a Right to enter into this Congregation, as ſoon as arrived at lawful Age; at leaſt that the ſix hundred thouſand who entered into the Covenant, and were made unalienable Freeholders, and held their Eſtates of *Jehovah* in chief by military Service, were Members of it according to the Conſtitution. Yet when the Congregation of all *Iſrael* is ſaid to be called, it ſeems to be no more in ſome Caſes than ſummoning the Elders, Heads, Judges and Officers, as when *Joſhua* called for all *Iſrael*, and when he gathered all the Tribes of *Iſrael* to *Shechem*. He called for the Elders of *Iſrael*, and for their Heads, and for their Judges, and for their Officers; and theſe ſeem to be no more than theſe Elders, Heads, Judges and Officers aſſembled on this Summons, tho' it was a Summons of all the Tribes of *Iſrael*. When *Moſes* aſſembled all the Congregation, tho' he laid before the Elders of the People the *Word which the Lord commanded him*, it was however all the People anſwered together, and ſaid, *All that the Lord hath ſpoken we will do.*

Joſh. xxiii. 24.

Ex. xix.

It

It is very likely the manner of holding this Congregation or Aſſembly of all *Iſrael* was *different*. While the whole Nation was together in one Body in an Army, as for a long time, under the Command of *Moſes*, the Aſſembly of the general Congregation ſeems evidently to differ from what it was afterwards, when the Tribes were ſettled in the ſeveral Lots of their Inheritance. Every free *Iſraelite* ſeems to have had a Right to vote in this Aſſembly, if he could be preſent where it was ſummon'd to meet with Convenience. But when the greater Part of the Nation could not leave their private Affairs and Habitations, then the Tribes ſeem to appear by a *Repreſentative*, by their Elders, Heads, Judges and Officers, or by a certain Number of their provincial Magiſtrates, who may not unfitly be called *Deputies* to the States-General, from the particular Provinces. Theſe being aſſembled as a Repreſentative of all *Iſrael*, may be conſidered as the *Parliament* of the *Hebrew* Nation; and theſe two different Manners of aſſembling, are indeed no other than a greater or leſs Number, as either ſhould be more convenient.

The Subſtance of this Obſervation was taken Notice of long ſince by an ingenious Author: "That while the whole People was "an Army, *Moſes* could propoſe to them in "Body, or under their Staves, or Standards "of their Camps; then he needed not, and "ſo he uſed not any Repreſentative. But

" when *Joſhua* had let the People go, and " the Children of *Iſrael* went every Man to " his Inheritance to poſſeſs the Land, the " Rotation of twenty-four thouſand Men " under their proper Officers afforded a Re- " preſentative of the People or Commons, " as well as a ſtanding Guard, for the Safe- " ty of the whole Nation*."

Thus all the Children of *Iſrael* may be conſidered as conſtituting this Congregation, or *Hebrew* Houſe of Commons, but in ſomewhat different Manners, as was uſual in the moſt celebrated Polities. In ſome Caſes, all appear'd *perſonally*; in other Caſes, they appear'd by a *Repreſentative*. This might well be in common and ordinary Caſes, by the common and ordinary Rotation of the Monthly Guard; but on more extraordinary Occaſions, by a more ſolemn and larger Deputation from the twelve Tribes.

This eaſy and obvious Diſtinction of the Manner of holding the *Hebrew* Parliaments, on different Occaſions, and in different Circumſtances, may, I think, remove all Difficulties that ariſe either from the different *Summons*, whereby they were called, or the different *Perſons* who met in them when aſſembled.

But however it was that this Congregation of all *Iſrael* was aſſembled, and whoever they were who met in it, which ſo ſhort an Hiſtory is not like to acquaint us fully with,

* Harrington Commonwealth of Iſrael. c. iii. §. 2.

with, nor is it very material to know; thus much is plain, and evident, and ſufficient to our Purpoſe, that it was an Aſſembly of the People or of the Commons of all *Iſrael*, either in Perſon or by Repreſentative; and that the *Hebrew* People or Commons had their Share in the Government, ſo far as this Congregation or Aſſembly was concerned, which you will ſoon perceive was very greatly.

What was propoſed to this Congregation or Commons of Iſrael.

We have already premiſed, that no proper legiſlative Powers were intruſted any where in this Conſtitution. It may be further obſerved, that the national *Revenues* of this State were ſo ſettled in the Tithes and other Offerings, and there being no Soldiery in Pay, all holding their Eſtates by military Service, there was no Reaſon for new or occaſional Taxes: ſo that the *Hebrew* Parliament could have no Buſineſs, either to make new Laws, or to raiſe Money. What then did they meet for at all, you will ſay? What Buſineſs have Parliaments, but to make Laws or to raiſe Money? There were other Things, you will obſerve, of great Importance to the Peace and Welfare of the *Hebrew* Government, in which it was very proper to act by and with the *Conſent* of the whole People, and by *Authority* of the ſame. War and Peace with neighbour Nations, Differences between Tribes which might greatly diſunite and weaken the whole Body, receiving and eſtabliſhing principal Officers and Magiſtrates,

were Things of ſuch Importance, as required mutual Conſent, and the joint Authority of the whole Nation. It ſhould ſeem then that the People of *Iſrael*, in this Aſſembly or national Parliament, had all the Powers which were uſually veſted in the People, in the moſt celebrated Governments of *Greece* or *Rome*. Their Aſſent gave Sanction and full Authority to what was propoſed to them. The *Roman* Definition of a Law will ſhew what this Aſſent of the *Roman* People was in their Government; a Law is what the People of *Rome* confirm'd on * Propoſal by a *Senatorian* Magiſtrate, as a *Conſul*; and in this among the *Romans* a *Law (Lex)* differed from a *Vote*, or Order of the People or Commons, called *Plebiſcitum*; which was † what the People reſolv'd when aſſembled by a Magiſtrate of their own, as a *Tribune*; and thus alſo it differed from a Vote or Reſolution of the Senate, which was ‡ ſuch Order as the Senate made of its own Authority. This ſhews, that among the *Romans* nothing had the Authority of a Law, but what was propoſed to the People, and *aſſented* to by them. It was the Conſent of the People which gave it the binding Authority of a Law.

This

* Lex eſt, quod Populus Romanus, Senatorio Magiſtratu interrogante (veluti Conſule) conſtituebat. *Inſt. L.* 1. *Tit.* 2.

† Plebiſcitum eſt, quod Plebs Plebeio Magiſtratu, veluti Tribuno, conſtituebat. *Il.*

‡ Senatus conſultum eſt, quod Senatus jubet atque conſtituit. *Ib.*

This Conſtitution of the *Roman* Government may not improperly ſhew what Part the *Hebrew* People or Congregation of *Iſrael* had in their Government, which Mr. *Harrington* thus deſcribes, " In Laws to be made, whatever was propoſed by the *Sanhedrim*, and reſolved in the Affirmative, in the Congregation of the Lord, was an Act of Parliament of *Iſrael* *."

A few particular Inſtances how the publick Affairs of greateſt Moment were tranſacted in this Aſſembly, may make this Part of the *Hebrew* Conſtitution better underſtood.

The Congregation of *Iſrael* was ſummoned by *Moſes* to receive the Law, to recognize and acknowledge *Jehovah* their God, their King, and their Lawgiver, which *Moſes* was directed to do in this Form: *Thus ſhalt thou ſay to the Houſe of Jacob, and tell the Children of Iſrael, Ye have ſeen what I did to the Egyptians, and how I bore you on Eagles Wings, and brought you unto myſelf: Now therefore if you will obey my Voice indeed, and keep my Covenant, then ye ſhall be a peculiar Treaſure unto me above all People: For all the Earth is mine, and ye ſhall be unto me a Kingdom of Prieſts, and an holy Nation. Theſe are the Words which thou ſhalt ſpeak unto the Children of Iſrael; and Moſes came and called for the Elders of the People,* Exodus xix. 1. . . . 3. . . . 9.

* Harrington's Commonw. of Iſrael. p. 52. c. ii. §. 16.

People, and laid before their Faces all theſe Words which the Lord commanded him. And all the People anſwered together, and ſaid, all that the Lord hath ſpoken, we will do: And Moſes returned the Words of the People unto the Lord. I mention this Paſſage at large, becauſe it is a very particular Account of the Form in which Affairs were *propoſed* to the People, and *reſolved* by them; and you will obſerve, that legal Forms explain the true Powers and Authority of any Part of a Conſtitution, much better than general Arguments, which are commonly founded on Conjectures rather than on Facts.

A Propoſal of any thing by the Senate to the People of *Rome*, was called *Rogation*, or Aſking; becauſe it was uſually in ſome ſuch Form of Words as this: "Is it your Will *, "O *Romans*, and do you reſolve it?" Or if a War was to be propoſed to the People, their Conſent was aſked in this Form: "Is "it your Pleaſure, O *Romans*, and do † you "reſolve that War ſhall be proclaim'd?" Sometimes the Form was thus; "Concern-"ing theſe Things, I aſk you, O *Romans*, "what is ‡ your Will, and what you reſolve "to have done?" On ſuch Propoſal from the Senate to the People, the Anſwer is ſometimes only, "We will, and reſolve it." Sometimes

* Velitis, jubeatis, Quiritis. *Briſſonius de Formulis*, c. ii. p. 129.

† Velitis, jubeatis, Quirites, bellum indici. *Id. ib.*

‡ De his rebus, quid fieri velitis, jubeatis, rogo Quirites. *Id. ib.*

times more particular, "We will, and reſolve "what the Majority of the Senate here pre- "ſent have propoſed *." Or ſimply, "Be "it as you aſk."

How near to this Form of *propoſing* and *reſolving* in the *Roman* Government, is the Propoſal of *Moſes* to the general Court or Congregation of all *Iſrael? Moſes laid before their Faces all the Words which the Lord commanded him*; that is, he *propoſed* to them, Whether they would conſent to this Covenant, and *reſolve* it ſhould be a fundamental Law of their Nation? How near is this to the Form, *Is it your Will, and do you reſolve it, O Hebrews?* The Anſwer of the Congregation of all *Iſrael* is in theſe Words: *All that the Lord hath ſpoken we will do.* How near is this to the Form, † *We will and reſolve it?* Or, ‡ *We will, and reſolve all that Jehovah hath propoſed to us?* Whoever ſhall carefully obſerve the Forms of propoſing and reſolving in the popular Aſſemblies of the *Hebrews*, will perceive, I think, ſtill more Reaſon to underſtand the Powers and Authority of them in the *Hebrew* Government to be much the ſame as the Power and Authority of the *Roman* People was in that Government, or indeed much the ſame as

* Populum cum Rogationem acciperet reſpondiſſe, volumus, jubemuſque . . . Plebs ſic juſſit, quod Senatus maxima Pars cenſeat, qui adſidetis, id volumus, jubemuſque, *or* uti rogas. *Id. ib.*

† Volumus, jubemuſque.

‡ Quod Jehovah cenſeat, id omne volumus, jubemuſque.

as the Powers and Authority of the People were in moſt Governments of the Ancients: In which the Conſent of the People was always to be aſked and had, by the Senate or Council, in Matters of greater Moment, and general Concern.

In the *Athenian* Government there was an Aſſembly of the People called Εκκλησια, or a general Court of the *Athenian* Citizens, ſummoned according to Law, which was to confirm or reject what was propoſed to it *.

The *Lacedæmonians* had a like Aſſembly of the People, eſpecially that which was called ſimply Εκκλησια, or the Congregation, in diſtinction from what was called the leſſer Congregation, or Μικρα Εκκλησια, which conſiſted of the Inhabitants of the City of *Sparta* only; whereas the general Congregation conſiſted of all the *Lacedæmonians* in all the Country of *Laconia*; "to which it belonged to adviſe concerning "War and Peace, or whatever elſe related "to the publick and common Intereſt. In "particular, they were to give their Con-"ſent to the Choice of Magiſtrates, and "confirm them in their Authority by their "Suffrage †."

Such

* Eſt autem Concio Populi conventus legitime advocatus, rei alicujus publicæ cauſa, ſuffragio ſuo, aut jubendæ, aut vetandæ. *Sigonius de Rep. Athen. c.* ii. *p.* 69.

† Major Concio ſeu Εκκλησια ſimpliciter dicta omnium fuit, Lacedæmoniorum. Qui videlicet ex omnibus Laconiæ Oppidis conveniebant, hujus erat Concionis, ut cum Sociis de

Such alſo were the Powers of the Aſſembly of the People in the ancient Government of *Carthage*. This was likely after the Model of *Tyre*, to which City the *Hebrew* Conſtitution could not be unknown, and a Similitude between them is highly probable. In this Government "the People declared "what they thought was proper to be done, "concerning the Things which were laid "before them; ſuch Declarations were re-"ceived as the determined Reſolution of "the whole City, and it was not lawful "afterwards to oppoſe it, or to contradict "it*."

Theſe popular Aſſemblies in the foremen-tioned Governments of *Greece*, *Italy*, and *Africa*, we may add in *Aſia* too, as the *Carthaginian* Government was of *Tyrian* Original, may ſerve to explain this Part of the *Hebrew* Conſtitution, which appears to have ſo near Reſemblance to them.

There is one Thing deſerves particular Obſervation, the Manner in which Matters were propoſed to the Aſſembly, and in which the

de graviſſimis quibuſque rebus conſultaret, ut ſi bellum decernendum, vel pax facienda, vel ſi quid aliud omnes attingerent . . . Magiſtratus uſque adeo concionibus ſubjecti, ut etiam ipſorum regum jus a populi ſuffragiis dependeret, neque item reliqui magiſtratus fere aliter, quam a populo conſentiente, creabantur. *Craig. de Repub. Lacedæm. l.* i. *c.* vii. *p.* 48.

* Populus vero id quod placebat, de re eadem ad ſe relata decernebant. Ejus decretum, ſeu totius civitatis ſcitum, fixum habebatur, ultraque id tendere, ſive obſiſtere, aut contravenire, fas non erat. *Ubbo Emmius Reſp. Carthag. p.* 8.

the Aſſembly gave its Aſſent. In the Governments of *Athens*, *Lacedæmon*, *Carthage*, and *Rome*, when any thing was to be propoſed to the People, it was to be propoſed to them by a proper *Magiſtrate*; upon which Propoſal the Aſſembly was to receive or to reject it. It was even provided by the * Laws of *Lacedæmon*, that none ſhould be allowed to debate any thing, beſides what was propoſed to them by the *Kings* and the *Senate*; or, in the *Roman* Style, the People reſolved on the Propoſal of a Senatorian Magiſtrate. An Inſtitution plainly intended to preſerve the Wiſdom of an Adminiſtration by the Councils of the Prudent, as well as the Liberty of the People in their Aſſent.

We have ſeen the Covenant between God and the *Hebrew* Nation thus propoſed by *Moſes* to the Congregation, and voted by them unanimouſly, † Be it as propoſed.

When *Joſhua* was made Succeſſor to *Moſes*, *Moſes* is directed to ſet him before *Eleazar* the Prieſt, and before all the Congregation; there ſeems to have been a Propoſal of his Choice to the People, as well as the Solemnity of Inauguration into his Office; agreeable to what was done before, when they received *Jehovah* for their King; agreeable to the Manner of aſking and taking the Conſent of the People in other Governments;

Numbers xxxvii. 18.

* Plutarch. Lycurgus.

† Uti rogas.

vernments; and agreeable to the Account the Scriptures give of the Manner in which they promiſed Obedience to *Joſhua*. And *Joſhua the Son of Nun was full of the Spirit of Wiſdom; for Moſes had laid his Hands upon him, and the Children of Iſrael hearkened unto him, and did as the Lord commanded Moſes.* Deut. xxxiv. 9. Or they conſented to do what *Moſes* propoſed to them in the Name of *Jehovah*, to receive *Joſhua* for his Succeſſor, and to obey him as Judge in his Room.

When *Saul* was appointed firſt King at the Deſire of the People, it is thought not improbable by ſome ingenious Men, that *Saul* was nominated by a *Ballot*, and not by a pure Lot; but however that was, *Saul*'s Appointment to the Kingdom was in *the Congregation of the whole People.* 1 Sam. x. And when *Saul* appeared before the People, his Election was confirmed by unanimous Conſent, *and all the People ſhouted, and ſaid, God ſave the King.* 24. And afterwards, when ſome were diſpleaſed with *Saul*'s Advancement, and deſpiſed him, *Samuel* calls the Aſſembly again to renew the Kingdom. *Then ſaid Samuel unto the People, Come, and let us go to Gilgal, and renew the Kingdom there.* 27. xi. 14. We have accordingly this Account of what the People aſſembled at *Gilgal* did, *And all the People went to Gilgal, and there they made Saul King before the Lord in Gilgal.* 15.

However

However ſhort theſe Accounts are, yet if we take along with us the Conformity of this Congregation of *Iſrael* to the Aſſemblies of the People in other Governments, and the Manner in which this Aſſembly is deſcribed in other Places; we may, I think, very juſtly ſuppoſe, that if this Congregation did not chuſe *Saul* by Vote and Ballot, they at leaſt conſented to his Nomination, and confirm'd his Authority when propos'd by *Samuel*, as that Propoſal was made on their own Petition; eſpecially when the Congregation was ſummoned to renew the Kingdom, and when, according to the Reaſon of their Meeting expreſs'd in their Summons, *They made Saul King before the Lord.*

In like manner, though *Solomon* was firſt proclaimed King by *David*'s Order, when *Adonijah* exalted himſelf, ſaying, *I will be King*; yet he afterwards *propoſes Solomon to the People*, and confirms him in the Throne by their *Aſſent*; for they *made Solomon the Son of David King the ſecond Time, and anointed him unto the Lord to be chief Governor, and Zadock to be Prieſt: Thus Solomon ſat on the Throne of the Lord as King, in the ſtead of David his Father, and proſper'd, and all Iſrael obeyed him.*

1 Kings i.

1 Chron. xxix. 22, 23.

But the Authority and Rights of this Branch of the *Hebrew* Government, as one of the States of *Iſrael*, may yet further appear,

pear, if we obſerve how far they were concern'd in Treaties of *Peace* and Leagues of *Friendſhip*.

When the Inhabitants of *Gibeon* came to *Joſhua*, *Joſhua* at the firſt made Peace with them, and a League to ſave their Lives; this Treaty was confirmed by the *Oath* of the Princes, and the Princes of the Congregation *ſware unto them*: but when it was found ſoon after, that the *Gibeonites* had impoſed on *Joſhua* and the Princes, the Congregation grew uneaſy, and murmur'd againſt the Princes, and ſo it was brought before the Congregation; and the Princes propoſed to the People a Confirmation of their League, becauſe they had ſworn unto it. And the Princes ſaid unto them, *Let them live, as the Princes had promiſed them.* It ſhould ſeem plain from hence, that a Convention, tho' made by Judge and Senate, was to be ratified by the Conſent of the People or Commons of *Iſrael*, according to the *Hebrew* Conſtitution, to give it full Authority.

Joſ ix. 15, 21.

This Congregation of *Iſrael* had alſo, as the popular Aſſemblies of other Governments had, ſome Juriſdiction in *criminal* Cauſes.

When *Saul* in a Battle with the *Philiſtines* had adjured *Iſrael*, not to eat any Food till the Evening, his own Son *Jonathan* tranſgreſs'd his Order; and upon his Confeſſion, *Saul* his Father, then King and General, determines to put him to Death. And *Saul* anſwered, *God do ſo to me, and more alſo*;

1 Sam. xiv. 42-43-45.

for thou ſhalt ſurely die, Jonathan. This Sentence paſſed by *Saul* might appear to be without Appeal, and that there was no Authority to reverſe it; however, the People ſaid unto *Saul, Shall Jonathan die, who hath wrought this great Salvation for Iſrael? God forbid! as the Lord liveth, there ſhall not one Hair of his Head fall to the Ground; for he hath wrought with God this Day: ſo the People reſcued Jonathan that he died not.*

Biſhop *Patrick* juſtly obſerves, "That the "People did not reſcue *Jonathan* by *Vio-* "*lence* or Force." It was not a mutinous Act of an Army: Yet the Expreſſions of the Hiſtory will no ways ſuit with his further Suppoſition, "That they delivered him by "*Petition* to *Saul*; or, as *Grotius**, "not "by Authority, but *Intreaty.*" *As the Lord liveth, there ſhall not one Hair of his Head fall to the Ground,* has very little of the Style of an humble Petition; it ſeems a very full Reſolution, and which it appears they underſtood to be their *Right.* And why may it not be ſo underſtood, when the Authority of condemning or abſolving Criminals is known to belong to the Aſſembly of the People, in the moſt celebrated Governments of *Greece* and *Rome? Joſephus* mentions indeed, "They *offered Prayers* to God, "That he would forgive *Jonathan*'s Sin;" but he makes no mention of any Petition they made to his Father *Saul*; but that they

* Non Imperio, ſed deprecando. *Grot. on the Place.*

"they reſcued him from his Father's Anger "and raſh Curſe*;" which Words can hardly, I think, be underſtood of a Petition, but muſt mean either Force or Authority. And the Words in the Original ſeem to mean neither *Force*, nor *Petition*, but an Act of their own *Authority*, whereby *Jonathan* was redeemed from the Sentence of Death; or whereby he was pardoned, and the Sentence of Death paſſed upon him was reverſed, in the general Court of *Iſrael* †. This Interpretation is greatly favoured, as Judgment in criminal Caſes is given to the Congregation by an expreſs Law on ſome Occaſions.

The Congregation is appointed to judge between the Slayer and the Avenger of Blood, *And the Congregation ſhall judge between the Slayer and the Revenger of Blood; and the Congregation ſhall deliver the Slayer out of the Hand of the Revenger of Blood; and the Congregation ſhall reſtore him to the City of Refuge.* Now, whatever Congregation is here meant, whether *provincial* or *national*, there is all reaſon to underſtand that all Powers which belonged to a lower Aſſembly, did belong to the higher Aſſembly Numbers xxxv. 24, 25.

* Εξαρπαζωσι της τυ Πατρος αρας; Juvenem irato patri eripiunt. *Joſephus Ant. l.* vi. *c.* 7.

† Liberavit ergo Populus Jonathan ut non moriretur V. L. יפדו redemerunt, ſeems to mean neither Violence nor Petition, but an Act of their own, whereby he was pardoned and the Sentence revers'd; ſo that the Congregation redeem'd him.

or Congregation of all *Iſrael* in national Affairs.

This Congregation had alſo Authority in *civil Cauſes and Matters of private Property.* In the Caſe of the Daughters of *Zelophehad*, or of Female Succeſſion, on Failure of Heirs Male; it was laid before *Moſes*, the Prieſt, the Princes, and all the Congregation. They laid it before the Parliament of *Iſrael* by Petition, repreſenting that their Father died without Sons; praying that they might have a Poſſeſſion among the Brethren of their Father, that the Name of their Father might not be done away from among his Family, becauſe he had no Son. This Petition was receiv'd, and referred to the Deciſion of the *Oracle*. And *Moſes* brought their Caſe before the Lord, and the Lord ſpake unto *Moſes*, ſaying, *The Daughters of Zelophehad ſpeak right*; and thereupon a Law was enacted to ſettle Female Succeſſions.

Numbers xxvii. 1, 2. 3.

5, 8, 9.

After this Law was made, the Tribe of *Manaſſeh*, to which theſe Daughters of *Zelophehad* belonged, brought another Queſtion to be determined, Whether Heireſſes might marry into other Tribes, and ſo transfer their Inheritance from one Tribe to another? This Petition was alſo received and anſwered, according to the *Word of the Lord*; that they ſhould marry only within their own Tribe, that the Children of *Iſrael* may enjoy every one the Inheritance of his Father.

Numbers xxxvi. 1—8.

The Congregation before which theſe Caſes were brought by Petition, was an Aſſembly of the States-General of *Iſrael*, the Judge, Senate and People; and ſeems plainly to ſhew, ſuch Queſtions were properly according to the Conſtitution brought before them. It was judg'd fit to conſult the *Oracle* for an Anſwer, very likely, becauſe it was convenient to have this Caſe ſettled by a new Law; now new Laws were not to be made but by *Jehovah* the only Lawgiver, as was obſerved before. Therefore *Moſes* conſulted *at the Schechinah*, as the *Hebrew* Writers call the Glory of God's Appearance, and whence the Oracle gave the Command of *Jehovah*. It may be fit to obſerve here, it was the peculiar Privilege of *Moſes* to conſult the Oracle himſelf, and he had no need of the High-prieſt to conſult with the *Urim* for him: for the Lord ſpake unto *Moſes Face to Face, as a Man ſpeaketh unto his Friend**. So that during the Adminiſtration of *Moſes*, none conſulted the Oracle or received the Word of *Jehovah* from the *Schechinah* but *Moſes* himſelf.

Theſe Things being conſidered, the Nature and Method of Proceeding in this Aſſembly may appear to have been much after this Manner. Here was a Caſe brought before

* De Facie, ad Faciem, h. e. in propria Perſona, coram abſque medio . . . Unde vides quod Auditio Vocis ſine intermedio, & interventu Angeli cognominetur phraſi illa, de Facie ad Faciem. *Maimon. Mor. Nevoc. P.* i. *c.* 37. *p.* 55.

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Theſe Things being conſidered, the Nature and Method of Proceeding in this Aſſembly may appear to have been much after this Manner. Here was a Caſe brought before

* De Facie, ad Faciem, h. e. in propria Perſona, coram abſque medio . . . Unde vides quod Auditio Vocis ſine intermedio, & interventu Angeli cognominetur phraſi illa, de Facie ad Faciem. *Maimon. Mor. Nevoc. P.* i. *c.* 37. *p.* 55.

the Congregation by Petition. It was therefore uſed to receive ſuch Petitions, and conſider ſuch Caſes, as were ſo brought before it. This appearing to be a Caſe that required a new Law, it was referred to the *Oracle*, which in Times after the Adminiſtration of *Moſes*, by the Conſtitution, was only to be conſulted by the *High-prieſt* with the Urim. In which, by the way, we have the whole Union of the Tribes in their States-General pretty plainly expreſs'd. Here was *Moſes* as Judge or Stadtholder, here was the *High-prieſt* the appointed Miniſter to conſult the Oracle, which was placed only during the Adminiſtration of *Moſes* by particular Privilege in him; here were the *Princes* and all the *Congregation*, which ſhews the Authority of the Commons of *Iſrael*, in a plain Inſtance of Matters judiciary, brought before the States-General of the united Tribes: for this Caſe was referred to them as well as to the Princes and to *Moſes* himſelf the Judge. So that the *Commons* of *Iſrael*, as diſtinguiſhed from the Princes and the Judge, will make one of the States then aſſembled in full Parliament.

Yet it is to be owned, ſome learned Men ſpeak differently concerning the Perſons meant here by all the Congregation. "By "Princes are meant (ſays Biſhop *Patrick**) Ex. xviii. 25. "either the Heads of the Tribes, or the "higheſt of the Judges appointed, called "the

* Patrick on the Place.

" the Heads of the People; and by all the
" Congregation is meant the ſeventy Elders
" mentioned in this Book; for they are cal-
" led the *whole Congregation*, and ſometimes Ex.xi. 24.
" only the *Congregation*, as *R. Solomon* ob-
" ſerves*." He further adds, " Now at
" the Head of all theſe ſat *Moſes*, and next
" to him *Eleazer* the Prieſt."

Bertram has very juſtly diſtinguiſhed between the Aſſembly of the *ſeventy* Elders, and the *Princes* Heads of Thouſands, Hundreds, *&c.* a Diſtinction which may appear more clearly as we go on. But the ſame learned Author as juſtly obſerves concerning
" the general Aſſembly of the free *Iſraelites*,
" that is, of all that entred into the Congre-
" gation of the Lord, or of all who enjoyed
" the Rights of the *Hebrews*, ſo that they
" were accounted God's People: That when
" they were met in Aſſembly, they were
" called the *Aſſembly* and the *whole Aſſembly*
" of the Congregation of *Iſrael*; ſometimes
" more ſimply the *Congregation*, and ſome-
" times *all the Congregation* †."

The Authority of the *Talmudiſts* in theſe Caſes, is very low with learned Men, as may

* See *Bertram* de Repub. Jud. p. 72.

† Univerſalis autem Civium Cœtus, id eſt illi omnes qui ingrediebantur קהל יהוה *i. e.* Agmen Jehovæ, hoc eſt omnes illi, qui ita jure Populi Iſraelitici donati fuerant, ut in Populo Dei cenſeri poſſent, ſimul aggregati vocabantur קהל *i. e.* Agmen, aut etiam כלערתישראל *i. e.* univerſus Cœtus Iſraelis, aliquando etiam ſimpliciter ערת *i. e.* Cœtus aliquaedo & כלעדת *i. e.* univerſus Cœtus.

appear by Biſhop *Patrick*'s own Repreſentation of this Caſe: " This Queſtion was carried thro' all the Courts (according to them) it began with the Rulers of *Ten*, who knowing not what to ſay to them, they went to thoſe of *Fifty*, from thence to the *Centurions*, at laſt to the *Chiliarchs*; none of which durſt adventure to give Judgment, but refer'd the Cauſe by reaſon of its Difficulty to *Moſes*, who brought it to the *Schechinah*, as they ſpeak, that is, to the divine Majeſty. Now Rabbi *Solomon*'s Obſervation, that all the Congregation, meant the ſeventy Elders, deſerves no more Credit than the Obſervation of his Brethren who have made this Cauſe run ſuch a Courſe of Law thro' ſo many Courts, without any Foundation."

If we were even to ſuppoſe the Truth of Rabbi *Solomon*'s Obſervation, and that the ſeventy Elders are ſometimes called the whole Congregation, which is at the leaſt very doubtful; it is on the other Hand, without any Doubt, certain, that *all the Congregation of Iſrael*, and the *Congregation of all Iſrael*, is the proper Title of the general Aſſembly of all free *Hebrews*, who had a Right to enter into the Congregation of *Jehovah*.

It is probable, as we ſhall ſee preſently, that the Princes might mean a Council or Court of the Princes of Tribes, together with the ſeventy Elders, as the Peers of *France* make the Court of the Parliament of *Paris*, together with

with the Preſidents and Counſellors; but it ſeems a very ſtrange Deſcription of the *Sanhedrim*, eſpecially as the *Talmudiſts* ſuppoſe it a ſupreme Court of Juſtice, to call it *all the Congregation*, eſpecially in direct Oppoſition to the *Princes* and the *Judge*.. It appears the moſt natural Meaning, and at the ſame Time the only Meaning agreeable to the real Conſtitution of the *Hebrew* Government, to underſtand by the *Princes*, Perſons with *Senatorian Dignity*, whether the chief Officers of the Tribes, or the great Court of Juſtice of the Seventy; or, which appears moſt probable, a Senate conſiſting of both together; which, with the Judge propoſing to the Congregation of all *Iſrael*, and aſking the Conſent of the whole *Hebrew* People, was the fulleſt and higheſt Authority of the *Hebrew* Nation.

This may ſhew, notwithſtanding Biſhop *Patrick*'s Obſervation, (who, it is to be obſerved, builds it ſolely on the Credit of Rabbi *Solomon* and the *Talmudiſts*, which is very little with learned Men, eſpecially in their Accounts of the *Sanhedrim*,) that *all the Congregation* does not here mean the *Sanhedrim*, or ſeventy Elders, but a proper popular Aſſembly of the *Hebrews*, or a Congregation of the Commons of all *Iſrael*, of whom on ſome Occaſions the inferior Officers might be a Repreſentative. This Aſſembly, ſummoned legally, with the great Officers,

Officers, and ſeventy Elders, as the Senate, made a full Parliament of *Iſrael*.

And this ſeems to have been the proper Share of the People or Commons of *Iſrael*, in the original Conſtitution, as one of the States of the *Hebrew* Nation.

CHAP. IX.

Of the Senate of Iſrael.

WE have ſeen, that according to the *Hebrew* Polity, there were Elders in every City, as well as an Aſſembly of the People; and that every Tribe had Princes and Heads, which made a provincial Council of State, as well as War. Such an Inſtitution, for preparing Matters, by Counſel and Advice of knowing Men, for a general Conſent, which was to give Authority to publick Reſolutions and Orders, was very neceſſary to the Wiſdom of Government. To prevent Raſhneſs and precipitate Judgments, to which popular Aſſemblies are very ſubject, the freeſt and moſt popular Governments have always therefore had Senates of ſome Form or other, to prepare and ripen Matters, and to propoſe them in ſome Degree of Maturity to the People for their Conſent.

There is ſo much Mention in the *Hebrew* Hiſtory of the *Princes* and *Elders* of the People, that there can be no Queſtion whether

ther the *Hebrew Nation* had a Senate of ſome Form or other? But what that Senate was, either as to the *Perſons* of whom it conſiſted, or as to the *Powers* with which they were veſted by the Conſtitution, is not ſo clear, nor quite ſo eaſy to be determined.

The *Rabbinical* Writers have greatly darkned, and even confounded this Queſtion; they have given us their own chimerical Imaginations, inſtead of real hiſtorical Facts: For though they could have no other good Foundation to build upon but the Scripture-Hiſtory, yet they have given ſuch an Account of their *Sanhedrim* as the Senate and ſupreme Court of the *Hebrew* Nation, as is no where to be found in the Scripture-Hiſtory, and is in many Things abſolutely inconſiſtent with it. We may then conclude concerning them and the Authority of their Accounts, in the Words of a very learned and diligent Author: "That the Antiquity of the *Rabbinical* Sanhedrim is abſolutely fabulous; "that the Prerogatives they aſcribe to it, and "moſt of the Orders they mention for the "Execution of Juſtice in it, are very ill ſupported, and very uncertain. . . . That the "true Sanhedrim or Senate of the Nation, (our Author is ſpeaking of the modern *Rabbinical* Form,) "having begun under the "*Macchabees*, grew greater under the Kings "of the *Haſmonæan* Family; and from a "weak and tottering Condition, in which "it

" it was at firſt, it roſe up to ſuch Degrees of " Authority and Power, that it became for- " midable to Kings themſelves *."

" But ſince it has pleaſed the *Rabbins*, (to uſe the Words of the ſame Author) " to give " us a chimerical Deſcription of their ancient " Government, and many learned Interpre- " ters have ſuffered themſelves to be miſled " by their Diſcourſes, we are obliged to un- " deceive thoſe, whom their Name and " their Authority might impoſe upon †." Whoever has a mind to ſee more at large the Weakneſs of the *Rabbinical* Account, and its Inconſiſtence with the true *Hebrew* Hiſtory, may find enough to ſatisfy them in the fore-mentioned learned Author.

To leave then the *Rabbinical* Sanhedrim to their Admirers, let us conſider what the true *Hebrew Hiſtory* acquaints us, concerning their national Council or Senate; which, together with the Oracle, the Judge and the Congre-

* On peut conclure de tout ce qui a été dit juſqu'ici, que l'Antiquité du Sanhedrin Rabbinique eſt abſolument fabuleux, que les Prerogatives qu'ils lui attribuent, et la plupart des Regles qu'ils lui font ſuivre dans l'Exerciſe de la Juſtice, ſont tres mal fondées et tres incertains . . . Que le vray Sanhedrin, ou Senat de la Nation, ayant commencé ſous les Macchabées, alla en augmentant ſous les Rois Aſmonéens, et de foible, et chancellant qu'il étoit d'abord, s'eleva a un degré d'autorité, et de pouvoir, que devint redoutable, meme aux Rois. *Calmet. Diſſert. ſur la Police des Hebreux*, Vol. 1. p. 204.

† Mais puiſqu'il, a plu, aux Rabbins, de nous donner une Deſcription chimerique de leur ancien gouvernement, et que pluſieurs ſçavans interpretes, ſe ſont laiſſer ſurprendre a leurs Diſcours, on eſt obligé de detromper ici ceux a qui leur nom, et leur Autorité auroient pu faire illuſion. *Id. ib.*

Congregation of all *Iſrael*, made the States-General of the united Tribes of *Iſrael*.

For the better underſtanding of what ſo ſhort an Hiſtory affords us, it may be proper to look back to the State of the *Hebrews* while yet in *Egypt*, before their Government was eſtabliſhed by the *Moſaical* Laws in the Wilderneſs: For it is a very probable Obſervation of the learned *Bertram* *, "That the "Number of Seventy Elders, appointed "by the Law of God, was not ſo much "a new Inſtitution, as the Continuation of "a former Uſage; as God rather confirm-"ed than new inſtituted many Things at "Mount *Sinai*, which were ancient Cuſtoms "of the Fathers."

"It is evident, ſays the very learned Biſhop "*Sherlock* †, that every Tribe had its own "Princes and Judges, and that every Prince "or Head of a Tribe judged his own People; "conſequently every Tribe had a Sceptre and "Lawgiver, as well as *Judah*. That this "Power in the Tribes took place immediately "upon the Death of *Jacob*, may be collected "from hence, that from this Time all Ap-"plications and Meſſages are not to the "People, but to the Elders of *Iſrael*."

When

* Quaſi ſeptuagenarius Seniorum Numerus, quem Deus in Lege ſancivit, non tam ab eo tum inſtitutus, quam continuatus fuerit; ſicut & alia quamplurima apud Patres uſitata, Deus ad Montem Sinain, potius confirmavit, quam innovavit. *Bertram de Rep. Heb.* p. 51.

† Bp. Sherlock Diſſert. III. 304.

When *Moſes* was firſt ſent to the Children of *Iſrael*, to deliver a Meſſage from *Jehovah*, and to acquaint them *that he had viſited them,*
Ex. iii. 16. *and ſeen that which was done unto them in Egypt*; he is commanded *to go and gather the Elders of Iſrael together, and ſay unto them.* We find this Direction exactly follow'd by *Moſes: And Moſes and Aaron went and ga-*
iv. 29. *ther'd together all the Elders of the Children of Iſrael.* We have in the ſame Period of the *Hebrew* Hiſtory, while they were yet in *Egypt*, an Account of the Heads of the ſe-
vi. 14, &c. veral Families, or the Heads of their Fathers Houſes.

The Dignity then of Princes of Tribes and Heads of Families in the ſeveral Tribes, may well be taken for an ancient and well-known Cuſtom, and which likely began upon the Death of *Jacob*, the common Father of all the Tribes. Then each Tribe began to have Princes and Judges, a Sceptre and a Law-giver of its own; and they were conſidered and addreſſed unto, as Perſons of chief Dignity, and principal Authority in their reſpective Tribes; that theſe Perſons had an Authority and Juriſdiction, may appear from what one of the *Hebrews* ſaid to *Moſes,*
xi. 14. *Who made thee a Prince and a Judge over us?* A Prince, it ſhould ſeem, and a Judge in the common Acceptation of the *Hebrews* was much the ſame. It appears alſo probable, that there was ſome ſort of Union between the Princes of the ſeveral Tribes, in whoſe Counſels

Counſels and Directions the ſeveral Tribes were in ſome ſort united into one Body: For the Propoſal of *Moſes* was to be made to them *as Elders of Iſrael*, not as Princes of one particular Tribe. *Moſes called for all the Elders of Iſrael*, or he ſummoned the Princes and Heads of Families of the whole *Hebrew* Nation. This Direction concerning the Paſſover, was by them communicated to all *Iſrael*, was receiv'd and obey'd univerſally by all the Nation, *and the Children of Iſrael went away*; *and as the Lord had commanded Moſes and Aaron, ſo did they.* Ex.xii.21. 28.

It is moreover particularly obſerv'd, that when God brought the Children of *Iſrael* out of *Egypt*, it was in Hoſts, and by their Armies. *The ſelf-ſame Day it came to paſs, that all the Hoſts of the Lord went out from the Land of Egypt. And it came to paſs the ſelf-ſame Day, that the Lord did bring the Children of Iſrael out of Egypt by their Armies.* This makes it evident, that when the Children of *Iſrael* went out of *Egypt*, it was not as a tumultuous *Mob* in Confuſion and Diſorder, but as *Hoſts* and an *Army*, under proper Commanders, and each with its own Standard. 41. 51.

This ſeeming ſlight Obſervation may yet be of great Uſe to ſhew, that in ſo ſhort a Time, on ſo ſudden a March, with ſo great a Number of People, they could not have gone

gone out in order as Hoſts and an Army, if there had not been ſome known Officers, and Form of Diſcipline before: How could they elſe have known under what Standard they were to march, or what particular Officers were to command them? It ſhould ſeem then, while they were yet in *Egypt*, the Princes of Tribes were acknowledged a ſort of general Officers of the Tribes, and the Heads of Families, ſubordinate Officers in their reſpective Families as Parts of the Hoſt. So that the Tribe of *Judah*, for inſtance, as the Hoſt of *Judah*, was under the Command of *Naſhon* Prince of *Judah*.

Numb. x. 14.

When we ſee the Uſe of theſe Princes and Elders of the Tribe of *Iſrael*, both for Counſel and Command, while they were yet in *Egypt*, and immediately after they went out of *Egypt*, we need not wonder to find very near the ſame Order, Dignity and Authority continued in them. Here the Wiſdom of God ſeems to have confirmed ancient Cuſtoms, rather than to have made new Conſtitutions.

We are not to expect theſe Princes and Elders ſhould have publick Courts and Juriſdiction in the Bondage of *Egypt*, yet they ſeem to have had ſome ſort of political Government among themſelves, even there.

But the *Jethronian* Prefectures, as they are uſually called, and the Court of ſeventy Elders, which the *Rabbins* will have the Original of their Sanhedrim, were very conſiderable

derable new Conſtitutions, and are neceſſary to be underſtood in ſome meaſure, in order to know the true Nature of the Senate of the *Hebrew* Nation.

When *Jethro* came to viſit *Moſes* in the Wilderneſs, *where he encamped at the Mount of God*, he obſerved that *Moſes* ſat to judge the People, from the Morning unto the Even-ing, as in ancient Times it was cuſtomary for chief Magiſtrates to hear Cauſes and adminiſter Juſtice in Perſon. It is probable the Judgment of ſo great a Perſon as *Moſes*, might be better eſteemed and more quietly ſubmitted unto, than the Judgment of Perſons of lower Reputation and Authority. So *Joſephus* * underſtood it: "They not expecting ſuch Right from other Judges; "and when they loſt their Cauſe before ſuch "a Judge, they bore it with an eaſy Mind." *Moſes* alſo might be deſirous to give the People all the Satisfaction he could; but, as *Jethro* obſerved, *this Thing is too heavy for thee, thou art not able to perform it thyſelf alone.* He adviſes therefore, that *Moſes* would keep himſelf to greater Matters; and as for the common Cauſes that were daily pleaded, he ſhould appoint ſome *Judges*, who in his ſtead ſhould hear and decide them, and that theſe Judges ſhould be provided *out of all the People, able Men, ſuch as fear God, Men of Truth, hating Covetouſneſs*; that he ſhould place

Jethronian Prefectures. Ex. xviii. 5.

18.

21.

* Joſephus Ant. Jud. l. iii. c. 3.

ſuch over the People *to be Rulers of Thouſands, Rulers of Hundreds, Rulers of Fifties and Rulers of Tens, and let them judge the People at all Seaſons . . . The hard Cauſes they brought unto Moſes, but every ſmall Matter they judged themſelves.*

Ex. xviii. 26.

Theſe Judges then ſeem to have been a ſort of Juſtices of Peace in ſeveral Diviſions, probably taken from the Military Diviſions of an Hoſt, into Thouſands, Hundreds, Fifties and Tens; this was a Model proper for them as an Army marching, and not unſuitable to their Settlement as Tribes and Families, in a ſort of Counties, Hundreds and Tithings. Perhaps our old *Saxon* Conſtitution of *Sheriffs* in Counties, *Hundredors* or Centgraves in Hundreds, and *Deciners* in Decennaries, may give ſome Light to this Conſtitution of *Moſes*. Some have thought that thoſe Conſtitutions of the *Saxons* were taken from theſe Laws of *Moſes*, introduced, ſays my Author*, by *Alfred*, or his Direction.

Whoever will conſider the Advice of *Jethro*, without too much Rabbinical Learning, or too much Veneration for ſome great Names, who, in theſe Subjects, implicitly follow the Rabbins; may, I think, truly perceive the Reaſon of this Conſtitution, and the Nature of the Conſtitution itſelf.

Theſe inferior Judges are generally ſuppoſed to have been choſen by the People †, according

* *Bacon* of Eng. Government, P. i. p. 70.

† Δοκιμασθεντες υπο τω Πληθους παντος. Joſeph. Ant. l. iii. c. 3.

according to *Joſephus*, approved of all the People according to *Moſes*'s own Direction; *Take ye wiſe Men, and underſtanding, and known among your Tribes, and I will make them Rulers over you.* Deut. i. 13. It ſhould ſeem however, that tho' in this Conſtitution, Perſons are choſen to be Judges for their Wiſdom and Integrity; yet as they were to be Perſons known among their Tribes, it is greatly probable, that they were to be Perſons whoſe Characters were more generally known than private Perſons, and therefore that they were choſen out of the Officers. Thus theſe Judges will be a Sort of *Quorum*, diſtinguiſhed from the reſt of the Officers by a ſpecial Commiſſion of Oyer and Terminer, to hear and determine certain leſſer Cauſes brought before them in their ſeveral Diviſions.

It does not appear, whether theſe ſeveral Judges and their Courts were ſuperior to each other, ſo that there lay Appeals from the leſſer to the larger, as from a lower Court to an higher; may it not rather be deſign'd to give Perſons Liberty to chuſe before whom their Cauſe ſhould be heard, whether within their Tithing or Hundred, or if they had much greater Opinion of the Wiſdom and Integrity of the Judge of the Thouſand of *Iſrael* to which they belong'd, they might, as they thought fit, be ſo far ſatisfied in chuſing their own Judge, now they had not the Liberty of bringing the ſmaller Cauſes immediately before *Moſes*. However, theſe

Jethronian Prefectures, though they might be a Plan of the provincial Judges, and ſo of the Senates of the Cities in the provincial Government, yet they could be no Part, I conceive, of the States-General, in which all the Tribes were united.

Of the Sanhedrim

This wiſe Proviſion by the *Jethronian* Prefectures for the more eaſy and ready Adminiſtration of Juſtice, was inſtituted while *Iſrael* incamped at the Mount of God, either *Horeb* or *Sinai*, which were two Names of the Eaſtern and Weſtern Sides of the ſame Mountain. The Children of *Iſrael* encamped there, about three Months after their March out of *Egypt* thro' the Red Sea into the Wilderneſs, and continued there about one whole Year; but before the Coming of *Jethro*, according to the Computation of the learned Archbiſhop *Uſher* *, the Princes of Tribes had made their Offering, and the Tabernacle was erected. I obſerve this Circumſtance as we go along, becauſe it will appear of ſome Uſe preſently. The *Iſraelites*, by Direction of the *Schechinah* or Cloud of Glory, marched from *Sinai* to the Wilderneſs of *Paran*, at which Time the Army march'd in its *Hoſts*, under the Command of the Princes of the Tribes in very exact military Order. Here *the People complain'd, and it diſpleaſed the Lord, and the Lord heard it, and the Fire of the Lord burned among them,*

Numb. x. 12.

* Uſſer. Annal. An. ant. C. U. 1490.

them, and conſumed them that were in the uttermoſt Parts of the Camp. And here the mixt Multitude that was among them fell a luſting, and the Children alſo wept again, and ſaid, who ſhall give us Fleſh to eat? When *Moſes* perceived the great Uneaſineſs and Diſcontent of the People, and that the Anger of the Lord was kindled greatly; he alſo was greatly concerned and afflicted with ſo unpromiſing and melancholy a Proſpect of Affairs. He complains, *I am not able to bear all this People alone, becauſe it is too heavy for me.* Upon this Complaint *Jehovah* ſaid unto *Moſes*, *Gather unto me ſeventy Men of the Elders of Iſrael, whom thou knoweſt, to be Elders of the People, and Officers over them, and bring them unto the Tabernacle of the Congregation, that they may ſtand there with thee; and I will come down and talk with thee there; and I will take of the Spirit which is upon thee, and will put it upon them, and they ſhall bear the Burden of the People with thee, that thou bear it not thyſelf alone.*

Numb. xi. 1. Numb. xi. 4. 14. 16, 17.

This Direction was punctually executed by *Moſes*; *for Moſes went out and told the People the Words of the Lord, and gathered the ſeventy Men of the Elders of the People, and ſet them round about the Tabernacle; and the Lord came down in a Cloud, and ſpake unto him, and took of the Spirit that was upon him, and gave it unto the ſeventy Elders; and*

24, 25.

it came to paſs that when the Spirit reſted upon them, they propheſied and did not ceaſe.

This is the Account the Scriptures give of the Original and Inſtitution of this famous Court or Council, ſo much celebrated by the *Hebrew* Maſters.

Gen. xlvi. 27. " In this Account the Number Seventy, ſays Biſhop *Patrick*, " is ſuppoſed both by " the *Jewiſh* and *Chriſtian* Writers, to be " derived from the Number of Perſons that " went down into *Egypt* with *Jacob*, *who*, Numb. xi. 16. " ſaith *R. Bechai*, *were a* * *kind of Pro-* " *totype* of this Number in future Ages: Ex. iii. 16. " For hence they were *govern'd by ſo* many " Elders when they were in *Egypt*. (Where " there is no Mention indeed made of the " Seventy, but he gathers it from what fol- xxiv. 1--9. " lowed) and thoſe were the Seventy, whom " we find at the giving of the Law a little " after they came out of *Egypt*, who are ver. 11. " called Nobles or Great Men. So that this " Number was not now firſt conſtituted, " but rather continued and confirmed."

What might have been the particular Reaſon of chuſing the Number of Seventy out of the many more Elders of the *Hebrews*, is neither certain, nor of great Importance; but as ſeventy of the Elders, that is, out of a greater Number, were choſen to accompany *Moſes*, *Aaron*, *Nadab* and *Abihu*, to the Mount; ſo here ſeventy of the

* אצילי επιλεκτων τε Ισραηλ. 70.

the Elders of *Iſrael*, that is, out of a greater Number, are appointed to bear the Burden of the People with *Moſes*, *Whom thou knoweſt to be Elders of the People.* For there were many Elders, ſays Biſhop *Patrick* *, out of whom ſeventy were choſen. Ex. xxiv. 1.

Theſe ſeventy ſo choſen out of the other Elders, were to be brought to the Tabernacle of the Congregation, that they might ſtand there with *Moſes*. They were to be preſented unto God, and conſecrated to this Service, that they might be as a ſtanding Council to aſſiſt *Moſes* in the Government of the People, ſo as to eaſe him in the Burden of the Government, that he might not continue to bear it himſelf alone. In order to give greater Weight and Authority to their Councils, God promiſes he would talk with *Moſes*, " to " declare, perhaps, ſays the forementioned Biſhop *Patrick*, " in their Audience, that " he appointed them to be Aſſiſtants to *Mo-* " *ſes* in the Government:" Or, by the Voice of the *Oracle*, to declare his Approbation of *Moſes*'s Government, and his Appointment of theſe Elders to aſſiſt him in his Adminiſtration. *And I will take of the Spirit which is upon thee, and put it upon them:* Or, in the Words of the ſame Author *, " He conferred upon theſe " Men ſome of the Gifts, (which are here " meant by Spirit,) *viz.* of Wiſdom, and " Judgment, and Courage, with all others

* Patrick, ib. † Id. ib.

" that are needful in a Governor." To aſſure the Performance of this Promiſe to the Satisfaction of the People, it came to paſs, when the Spirit reſted on them, *they propheſied and ceaſed not.* Not to enter into any critical Enquiry how they propheſied, or how long, which is not to our preſent Purpoſe; it is ſufficient to obſerve, that the Spirit of Prophecy was an evident Sign that they were choſen by God for Coadjutors to *Moſes*, that they were approved by him, and had received from him a Spirit of Government.

It is not certain in what Manner they were choſen: " The *Jews* ſuppoſe that ſix were " named out of each Tribe, that is ſeventy-" two in all, and in ſeventy Schedules " *Moſes*, with the Name of *Elder*, but the " other two were Blanks; then mixing all " theſe in an Urn, he bad them come and " draw. They who drew a Schedule with " the Name *Elder* on it, were choſen; " they who drew Blanks, were not." But, as the ſame Author obſerves, " this whole " Story of the Manner of chuſing the Elders, " is very dubious." However it was they were nominated or choſen, it is highly probable, that as they were to bear the common Burthen of the Government with *Moſes*, which concern'd all the Tribes, and which in particular was intended to keep them from continual mutinous Complaints; it was

* Patrick on ver. 26.

was proper there ſhould be an equal Number of each Tribe, and that they ſhould be ſuch Perſons as the Tribes themſelves ſhould approve, and confirm by their Choice, as Perſons fit to be confided in. And thus far the *Hebrew* Writers are unanimous.

But the Deſign of this Inſtitution is of the greateſt Importance, in this Enquiry. In general, they were to bear the Burthen of the People with *Moſes*, that he might not bear it alone. This ſure cannot be meant of the common and ordinary Adminiſtration of Juſtice, which had been provided for juſt before, in the *Jethronian* Prefectures. As far then as they were to aſſiſt *Moſes* in Matters judiciary, it could only be in thoſe greater Matters, which, as reſerv'd Cauſes, were to be brought before *Moſes*; or ſuch difficult Queſtions as were referred by Appeal from the inferior Judges. In this Senſe, this Court of the ſeventy Elders will be a Conſtitution not much unlike the Parliament of *Paris*, ſo far as that is a Court of Law. But this was not the only End for which this Court was inſtituted. The immediate Occaſion of its Inſtitution, was the Complaint of *Moſes*, on the Murmuring and Sedition of the People, and the Diſpleaſure of God; that Fire was ſent to conſume them that were in the uttermoſt Parts of the Camp; " or ſome in " every Part of the Camp, as Biſhop *Patrick* juſtly obſerves, " where they began to make " Complaints to one another of their being

" ſtill in a Wilderneſs." It is in Anſwer to this Complaint of *Moſes* on this Occaſion, that the Lord ſaid, *Gather unto me ſeventy Men, of the Elders of Iſrael .... that they may ſtand with thee .... And they ſhall bear the Burthen of the People with thee, that thou bear it not thy ſelf alone.* We ſee plainly, that theſe ſeventy were to be Coadjutors to *Moſes* in his Councils, how to anſwer the People's Complaints, and to adviſe what would be beſt to do on all Occaſions, eſpecially of greater Difficulty; to preſerve Peace and good Order among the People, and to prevent thoſe Mutinies which would likely prove fatal to the whole Nation, if not remedied by ſome Means or other.

In this View the ſeventy Elders will appear to be deſign'd not only as a ſtanding Court of Law and Equity, to aſſiſt *Moſes* as Judge in Cauſes of greater Couſequence, and in Appeals, but to aſſiſt the Judge with their Advice on every Occaſion; this was properly to bear the Burthen of the People together with *Moſes*, that he might not bear it himſelf alone. For now the Judge would not bear all the Envy or Ill-will of the People when diſſatisfied or uneaſy with any Part of the Adminiſtration: For the Common-People, though they know very little of the Reaſons of any Adminiſtration, are yet apt to think every Thing wrong that does not pleaſe them, or which is attended with Difficulties to them-

themſelves or the Publick. Now, a Council of ſeventy Perſons of the moſt approved Wiſdom and Integrity, would at leaſt ſhare this Burthen among them all, inſtead of throwing the whole on one Man. And it would be moreover an Eaſe to the Judge's own Mind, and make him more reſolv'd in any Council to be taken or executed, when it ſhould be with the Advice and Approbation of a Multitude of Counſellors, in which there is Wiſdom and Safety. And finally, it was proper to give Authority and Reſpect to ſuch Orders as ſhould be made by Advice of Perſons, whom the People themſelves had approved and choſen, as eminent for their Wiſdom and Integrity.

Conſider then this Court, as a ſtanding Senate always at hand, or as a conſtant *Privy Council* to the Judge, and we have a moſt wiſe Proviſion for the eaſier and better Government of the whole Nation; and this will make a conſiderable Part of the States-General of the united Tribes.

But there remains another Conſideration of very great Conſequence, as to the national Senate of the *Hebrews*: Many ſeem to think, that it conſiſted only of theſe ſeventy Elders, led into this great Miſtake, I think, by the chimerical Deſcription the *Talmudical* Writers have given of their *Sanhedrim*; as if theſe ſeventy Elders were the only Members of the National Council, and that the States-General of the united Tribes conſiſted of no other Perſons

ſons than theſe. This is a Miſtake, as I conceive, abſolutely inconſiſtent with ſome of the plaineſt Facts of the *Hebrew* Hiſtory, and which has miſled ſome very learned Men into a conſiderable Error, concerning the true Nature of the *Hebrew* Government.

For the Princes or Nobles of the *Hebrews* in their ſeveral Tribes, that is, the *Princes* of the Tribes and the *Heads* of the Families of their Fathers, appear very plainly to have *Seſſion* and *Vote* in their national Senate. A few Inſtances will be a ſufficient Proof of this Part of the *Hebrew* Government.

When the Children of *Reuben* and *Gad* came with a Petition to have their Settlement aſſigned to them on the Eaſt of *Jor-*

Numbers xxxii. 1, 2. *dan, They came and ſpake unto Moſes and Eleazar the Prieſt, and unto the Princes of the Congregation.* Though this Petition was long after the Inſtitution of the Sanhedrim, yet the Princes of the Congregation are aſſembled to conſider this Propoſal; as they

xxvii. had been before in the Caſe of *Female* Succeſſions, and as they were afterwards upon the

xxxvi. Regulation of the Marriages of *Heireſſes* within their own Families.

As thoſe Perſons are deſcribed by the Titles of the *Princes*, the chief Fathers of the Children of *Iſrael*, it is plain we are to underſtand the ſame Perſons who were Princes of Tribes and Heads of Families, who were the Nobles of *Iſrael* before the Inſtitution of the Sanhedrim, whoſe Rank and Authority

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in the *Hebrew* Goverument was no Ways taken away by the Inſtitution of that Court. Theſe were ſtill the great Council or Senate of the Nation. This may appear yet more evident from a few Inſtances under the Adminiſtration of *Joſhua* the Succeſſor of *Moſes*.

When *Joſhua* made a League with the *Gibeonites*, it was confirmed by the Approbation of the Princes of the Congregation; *And Joſhua made Peace with them, and made a League with them, and the Princes of the Congregation ſware unto them.* Joſ. ix. 15. And thus again, when the Daughters of *Zelophehad* came to petition for their Inheritance, as it had been ordered by the Voice of the *Oracle*, *They came near before Eleazar the Prieſt, and before Joſhua the Son of Nun, and before the Princes.* xvii. 4. And once more, when the *Eaſtern* Tribes had built an Altar which gave Jealouſy to the *Weſtern* Tribes, *They ſent Phineas the Son of Eleazar the Prieſt, and with him ten Princes, of each chief Houſe a Prince, throughout all the Tribes of Iſrael, and each one was an Head of the Houſe of their Fathers among the Thouſands of Iſrael:* xxii. 13, 14. That is, they ſent a ſolemn Deputation of the national Senate, in the Name of the whole Congregation of the Lord, to expoſtulate the Matter with them.

But how, you will ſay, are we then to underſtand the ſeeming different Accounts of the

the Senate of *Iſrael?* Was the *Court* or *Council* of the Sanhedrim the ſame Perſons with theſe Princes of *Iſrael?* The Deſcription of theſe Princes, is ſuch, as cannot poſſibly agree with any other Perſons than the Princes of the Tribes, and the Heads of Families, ſo well known before the Inſtitution of the Sanhedrim, that it cannot mean the ſeventy Elders of the Sanhedrim only; and yet their Rank and Authority are ſpoken of in ſuch Manner, as to ſhew, that they were employed in the great Affairs of the Nation, why may we not conceive of the Sanhedrim as a ſelect Senate, or as a leſſer and privy Council; when yet all the Princes of *Iſrael* might have Seſſion and Vote in the great and general Council of the Nation, which, when aſſembled, is called by the ancient Style, the *Princes of the Congregation*; and this may be a good Reaſon why the Elders of the Sanhedrim have ſo little expreſs Notice taken of them; for when the general national Senate was aſſembled, they were conſidered only as particular Members of it.

Perhaps a modern Conſtitution, which is more generally known, may ſerve to give us an eaſier Notion of this national Senate of the *Hebrews*; I mean the Conſtitution of the Parliament of *Paris*, which is thus given us by an eminent Author: "Our Kings "attended the great Affairs. They aſſem-"bled the great Men of the Kingdom, and "theſe Aſſemblies were called the King's

"Court

" Court or Parliament. The great Men " who attended theſe Aſſemblies, were ſtiled " Barons of the Kingdom, and afterwards " Peers of *France*. Theſe Barons of the " Kingdom were the Biſhops, Dukes, Earls, " and all the great Tenants, who held im- " mediately of the Crown; but as it was " not eaſy to examine fully many of the " Affairs which came before them, the " Kings gave Commiſſion to Men of Abili- " ties, to aſſiſt with their Care and Coun- " cils, and theſe Counſellors were called " Maſters of Parliament*."

In the Parliament of *Paris* then, all the Peers of *France* have Seſſion and Vote; but for the ordinary and common Buſineſs, as a Court of Law and Appeals, a certain Number of Counſellors are commiſſion'd to tranſact it. Theſe Maſters of Parliament are Men *learned* in the Laws, *preſide as* Judges in a Court of Juſtice, to examine and regiſter the Acts of State, *&c.* But on extraordinary Occaſions, when a full Parliament is

* Les Rois continuoient toujours a prendre Connoiſſance des grandes Affai es, ils aſſembloient les Grands duRoyaume, et ces Aſſemblées étoient appellées la Cour du Roy, ou le Parlement; lesGrandes qui y aſſiſtoient furent qualifiesBarons du Royaume, & enſuite Pairs du France, les Barons du Royaume étoient, les Eveques, les Ducs, les Comtes, en une mot, les Grands Vaſſaux immediates de la Couronne, mais comme il etoit malaiſe d' examiner a Fonds la plupart des Affaires, les Roys commirent de Gens, habiles pour les aider, de leur ſoins, & de leur Conſeil, et ces Conſeillers furent appellées Maitres du Parlement. *La Force Deſcript. de la France, Tom.* I. *p.* 204.

is ſummoned, all the Peers of *France* have Right of Seſſion and Vote as Members of it.

If we were to ſuppoſe the Sanhedrim ſomewhat after this Manner, conſtantly attending as Judges in more difficult Caſes of Law and Appeals, and to aſſiſt the Judge as a privy Council on common Occaſions; and if we were to conſider the Princes of *Iſrael*, as *Peers* of *Iſrael*, who had Seſſion and Vote in the national Senate when aſſembled on extraordinary Occaſions of greater Conſequence: We ſhould come nearer, I think, to the Truth of the Caſe than we generally do, from the falſe Notions of the Sanhedrim, taught in the fabulous Accounts of the *Talmudiſts*.

Some may imagine the Preamble to the Laws of King *Ina**, will give ſome light to this Conſtitution; there is mention of all his *Aldermen*†, and at the ſame Time of the *elder wiſe Men*: What may we ſuppoſe the Difference between theſe? As the Alderman appears to be much the ſame with *Earl*, while that was a Name of Office and chief Government in a County; ſo the Witan ſeem to be Men of Learning in the Law, or employ'd in Affairs of State, and ſo

* Mid Eallum minum Ealdermannum, and tham yldeſtan Witan minre theod, omnium Senatorum meorum, & natu majorum Sapientum Populi mei. *Inæ Leges.*

† Ealderman, Senior, Senator, Princeps, Satrapa, Witword, Witaword, Reſponſa Prudentum. Wita Conſiliarius, Sapiens. *Vocab.*

ſo moſt converſant and beſt ſkill'd in them. But ſuch Similitude of the wiſe Men to the *Hebrew* Sanhedrim, and of the Aldermen to the Princes of *Iſrael*, is ſubmitted to the Judgment of thoſe who are ſkill'd in our *Saxon* Antiquities.

However, this ſeems clear and evident, that whoever they were who compoſed the great Council or Senate of the *Hebrew* Nation, under the Stile of Princes or Elders, that there was a Senate to aſſiſt the Judge, and by whoſe Advice he acted in Affairs of Conſequence, and which concerned the whole Nation. And this was a ſecond Part of the Union of the Tribes. There was a national Council and Senate, as well as a Congregation of all *Iſrael*.

CHAP. X.

Of the JUDGE.

GOD, the Author of the *Hebrew* Polity, having taken care by the Congregation of all *Iſrael*, and by the Senate of Princes and Elders, for the Preſervation of the Liberties of the People, and for the Wiſdom of the Adminiſtration of Government, takes further care of the executive Powers, that the wiſe Reſolutions which might be taken at any Time, ſhould be brought into due and timely Execution; and that the Force of the

Nation ſhould be properly employ'd for the Defence and Protection of the whole.

The wiſeſt Nations have ever thought it convenient to lodge theſe Powers either in one hand, or at leaſt in a few, to prevent the Delays and manifeſt Inconveniences which would certainly ariſe from Difference of Sentiments in Perſons of *equal* Authority, when Things were to be brought into Execution; ſo that almoſt all Forms of Government have found it neceſſary to have ſome Commander in *Chief* for their Armies, and ſome *firſt* or principal Magiſtrate or Magiſtrates, either hereditary, or for Term of Life or Years, to ſummon the national Councils, to preſide in them, and to ſee to a due Adminiſtration of Juſtice, according to Law and Equity. Thus the *Lacedæmonians* had their *Kings*, the *Athenians* their *Archons*, the *Carthaginians* their *Suffetes*, the *Romans* their *Conſuls*, and the *Hebrews* their *Judges*.

Very little is to be learn'd of the Nature of a Magiſtracy from its Name, the *Kings* of *Lacedæmon* had no more Authority than the Conſuls of *Rome*; and among the *Hebrews* the Words *King* and *Judge* ſeem to be uſed promiſcuouſly. For, as *Bertram* obſerves *, " the Word King in ſome Places " means

* Regis autem nomine intelligi videtur Gubernator, & Dux quilibet, qualis fuerat Moſes, qualis etiam Joſhua, quales denique fuerunt Judices qui poſtea excitati ſunt. *Bert. de Rep. Hebræ.* 104.

" means only a chief Governor or Captain, " ſuch as *Moſes*, *Joſhua*, and the other Judges." *Moſes* is in particular called King of *Jeſurun*; and to judge *Iſrael* was of the ſame Import, and meant the ſame Authority. Deuteron. xxxiii. 5.

The Title of *King* in the After-times of the *Hebrew* Government did ſignify a Magiſtracy, different in ſome Things from the Magiſtracy of a *Judge*, yet not in ſo many as are uſually thought; but the Difference between theſe Magiſtracies is not to our preſent Purpoſe.

The Magiſtracy of *Judge*, as it appears in the ancient *Hebrew* Hiſtory, and in the Adminiſtration of *Moſes* and *Joſhua*, was the true primitive Conſtitution of the *Hebrew* Government, and which the Wiſdom of the divine Lawgiver had appointed as one principal Part of the Union of the Tribes, in the Power of their Arms, in their national Councils, and in the Adminiſtration of national Juſtice.

This Part of the Conſtitution was very ſoon neglected and altered: *There was no King or Judge in Iſrael.* The Conſequence of which, was very great Diſorders, Civil Wars among themſelves, Invaſions from their Enemies, by whom they were greatly oppreſs'd, and they were made to ſerve their Heathen Neighbours. This continued more or leſs, from a little after the Death of *Joſhua* and the Elders of his Time, till this Judges xix. 1.

Part of the Conſtitution was in ſome Meaſure reſtored under *Eli* and *Samuel*; which was ſoon after changed into the Office and Authority of the After-*Kings*, when the chief Magiſtracy became an hereditary Office, and was inlarged with ſome new Powers; but as that was not the *original* Conſtitution, it is what our preſent Enquiry is very little concerned in. We are only concerned to examine how this Magiſtracy was inſtituted and exerciſed by *Moſes* and *Joſhua*, in whoſe Hiſtory alone we can expect to find a true Account of it. Agreeable to this true hiſtorical Account, *Conringius* gives a general Deſcription of this Magiſtracy in *Moſes*, That "* with reſpect to God who reſerv'd to himſelf the ſupreme Authority over the *Hebrew* Nation, and who was himſelf properly King of *Iſrael*, *Moſes* might not improperly be called his Viceroy. †However, "that *Moſes* had a Magiſtracy and an "Authority, tho' depending in a peculiar "manner on God himſelf, of conſulting, "appointing, commanding, and judging "Controverſies in the *Hebrew* Nation, is "evident

* Quem habito reſpectu ad Deum, qui ſummam poteſtatem, ſibi in Populo Hebræo ſervaverat, atque adeo illius Rex erat, haud abſurde proregem dixeris. *Conringius de Rep. Hebræ.* 249.

† Cæterum geſſiſſe Moyſem Magiſtratum, habuiſſeque poteſtatem, peculiari tamen modo ab ipſo Deo dependentem, deliberandi, ſtatuendi, & mandandi, ac de controverſiis judicandi in Gente Ebræorum, id ex Hiſtoria ſacra, quam ipſe Moyſes ſcripſit, abunde liquet. *Id. ib.* 250.

" evident from the ſacred Hiſtory, which " *Moſes* himſelf wrote.

We may find a pretty exact Account of the Nature of this high Office in the *Hebrew* Government, in the Appointment of *Joſhua* Succeſſor to *Moſes*, and the Recognition of his Authority by the People.

As to the Appointment of *Joſhua*, Succeſſor to *Moſes*, *the Lord ſaid unto Moſes, take thee Joſhua the Son of Nun, a Man in whom is the Spirit, and lay thine Hand upon him, and ſet him before Eleazar the Prieſt, and before all the Congregation, and give him a Charge in their Sight; and thou ſhalt put ſome of thine Honour upon him, that all the Congregation of the Children of Iſrael may be obedient; and he ſhall ſtand before Eleazar the Prieſt, who ſhall aſk Counſel for him, after the Judgment of Urim before the Lord; at his Word ſhall they go out, and at his Word they ſhall come in, both he, and all the Children of Iſrael with him, even all the Congregation.* Numbers xxvii. 18, 19, 20, 21.

From this Account, tho' ſhort, we may yet, I think, conclude with ſufficient Authority, that this high Office of the Judge of *Iſrael* was not to be an *hereditary* Office; nor did the Policy of *Moſes* take one Step to perpetuate this great Magiſtracy in his Poſterity or Family. On the contrary, the Hiſtory informs us, that *Moſes* himſelf de- *Not an hereditary Office.*

ſired the Nomination of a Succeſſor before his Death, and conſulted the *Oracle* upon it.

Numbers xxvii. 15, 16, 17. *And Moſes ſpake unto the Lord, ſaying, let the Lord, the God of the Spirits of all Fleſh, ſet a Man over the Congregation, which may go out before them, and which may go in before them, and which may lead them out, and which may bring them in, that the Congregation of the Lord be not as Sheep which have no Shepherd.*

It appears then *Moſes* could have no Views of leaving this great and powerful Office in the *Hebrew* Government, an hereditary Honour in his own Family, in virtue of any hereditary Claims or Right. It was highly convenient, this important Office ſhould be diſcharged by Perſons of great and eminent Qualifications. A Man, " in whom was " the Spirit of Courage, Prudence, and the " Fear of God, with all other Gifts neceſſary " in an excellent Governor," ſays Biſhop *Patrick*. And therefore God, by the Voice of his *Oracle*, appoints *Joſhua* the Son of *Nun*, of another Family, and even of another Tribe, to be his Succeſſor ; for *Joſhua* was of the Tribe of *Ephraim*. Thus this high Office of *Moſes*, with all his Authority and with all his Policy, continued in his Family no longer than his own Life.

However, the great Uſefulneſs and Importance of this Magiſtracy in the *Hebrew* Government, is ſtrongly recommended as a ma-

erial Part of the Conſtitution, that the Congregation may not be as Sheep without a Shepherd. To *go in and out before them*, to *lead* them out, and to *bring them* in, may mean the Command in War and the Direction of civil Affairs; and it ſhould ſeem to be underſtood ſo, when *Moſes* is directed to put ſome of his Honour on *Joſhua*, that all the Congregation of the Children of *Iſrael* may be obedient. What can be the Meaning of *putting ſome of the Honour* of *Moſes* on *Joſhua*, but what Biſhop *Patrick* obſerves, "communicating ſome of his Au-"thority to him at preſent, and making "him an Aſſociate in the Government?" Now it is plain that *Moſes* judged *Iſrael* by Authority in *Civil* Affairs, as well as by the chief Command of their *Armies*.

The Authority of the Judge not arbitrary.

It will further however appear, that how great ſoever the Authority of the *Hebrew* Judge or *Stadtholder* was, it could not be arbitrary. Greater Matters, as we have ſeen, were to be propoſed to the Congregation and Princes, or Senate of *Iſrael*; and he was alſo to conſult the *Oracle*, *after the Judgment of Urim before the Lord*: So that the Judge, as well as the Congregation, were to be directed by the *Oracle*. The *Rabbins* have form'd a general Maxim from hence, "That no private Perſon was allow'd to "conſult the *Oracle*; none but the King, "the Head of the great Sanhedrim, and ſuch

" as were appointed in the Name of all the " People*."

It is plain the Judge is here directed to ſtand before the Prieſt, who ſhall aſk Counſel for him. In this all the Succeſſors of *Moſes* were inferior to him. He conſulted the *Oracle* himſelf, but all his Succeſſors were to aſk Counſel of the *Oracle* by the High-Prieſt. So that the Authority of the Judge could not be *arbitrary*, when it was tempered by the Approbation of the *Oracle*, as well as by the Advice and Conſent of the Senate and People. This Uſe of the *Oracle* may give light to ſome Parts of the *Hebrew* Hiſtory, which too commonly are miſtaken, or not well underſtood. In particular, this will ſhew a wiſe Reaſon why the *Hebrews* were ſo often overcome and oppreſs'd by their Enemies, becauſe they acted raſhly, truſting to their own Counſels without aſking Counſel of the *Oracle*, or diſregarding the Directions given by it, which muſt be a very criminal Behaviour in this Conſtitution.

We may yet more diſtinctly perceive the Nature of this Part of the *Hebrew* Government, if we conſider *Joſhua*'s actual Acceſſion to the Government. *Now after the*
Joſh. i. 1. *Death of Moſes the Servant of the Lord, it came to paſs that the Lord ſpake unto Joſhua*

* Quin ad illud in Miſna, de conſulendo hoc Oraculo; nemini ſcilicet id licuiſſe privato, ſed Regi, & Synedrio, & ei qui Reipublicæ, id eſt, qui Populi & Univerſitatis nomine, atque Autoritate ut Legatus conſulebat. *Selden de Synedr. l.* iii. *c.* 12. §. 4. V. I. 1723.

Joſhua the Son of Nun, Moſes's Miniſter; and encourages him to take upon him the Command of the *Iſraelites*, promiſing *there ſhall not be any Man able to ſtand before thee, all the Days of thy Life; as I was with Moſes, ſo I will be with thee, I will not fail thee nor forſake thee.* Thus *Joſhua* was in a very ſolemn Manner confirm'd in his Office by the Voice of the *Oracle*; on this Occaſion he ſends for the Tribes of *Reuben, Gad,* and the half Tribe of *Manaſſeh*, who were ſettled in the Country East of *Jordan*, to direct them to paſs with their Brethren over that River, and to aſſiſt them in taking Poſſeſſion of their Portion on the Weſtern Side. Now the Authority they acknowledg'd in *Joſhua* as Judge, is thus expreſs'd: *And they anſwered Joſhua, ſaying, All that thou commandeſt us, we will do; and whitherſoever thou ſendeſt us, we will go. According as we hearkened unto Moſes in all Things, ſo will we hearken unto thee only: the Lord thy God be with thee, as he was with Moſes. Whoſoever he be that doth rebel againſt thy Commandment, and will not hearken unto thy Words in all that thou commandeſt him, he ſhall be put to Death; only be ſtrong and of a good Courage.*

Joſ. i. 5.

12,13,14, 15.

16,17,18.

This ſeems, ſays Biſhop *Patrick*, to be the Voice of all the People, and of their Elders, or a Decree made by the Elders, as the *Jews* underſtand

underſtand it. It is moſt likely, this was a Tranſaction with the *whole* People of *Iſrael*, or with the whole Congregation; and ſo it will be the legal Form, in which they recogniz'd the Authority of *Joſhua*. Hence, a contumacious Diſobedience to the Commands of the *Judge*, was a capital Offence; for tho' the Judge had not arbitrary Power, but was to act by Advice of the *Oracle*, and Conſent of the Princes and Congregation; yet for any private Perſon, or for any Number of private Perſons, to refuſe Obedience to the Orders of the Judge, was a Violation of all Order and Government, a kind of Mutiny and *Deſertion*, which in all wiſe Governments have always been puniſhed as capital Crimes.

The Authority then of the Judge was very great. As a General in War, he had the chief Command of the Army: As the chief civil Magiſtrate, he ſummoned the Senate, and the Congregation of the People, propoſed the publick Affairs unto them, as a firſt Senatorian Magiſtrate; and acted in all Things as *Viceroy*, or *Stadtholder* of *Jehovah* the King of *Iſrael*. He had that Authority in War, as General, and in publick Affairs of State, preſiding in their Councils, and executing their Reſolutions, that the executive Power of the Government was principally lodged in his Hands.

Thus

Thus the Scriptures themſelves repreſent this Office to us. It muſt be very unfair to impute to this Inſtitution any Faults whatſoever, which are owing ſolely to a Corruption or Alteration of it: Whether under the Judges, ſoon after *Joſhua*, to the Election of *Saul*, or from thence during the Government under the Kings. It would be too long to ſhew in particular, wherein thoſe Governments departed from the original Conſtitution; it may be ſufficient to make one general Remark: That what the *Hebrew* Nation ſuffered for omitting this Part of their Conſtitution, taught them the Neceſſity of reviving it in ſome Form or other; and what they ſuffered afterwards plainly ſhewed that the Alterations made in this Office, were very far from Amendments. It might eaſily be made to appear, from the weak State of the *Hebrews* under occaſional Judges, rais'd only for a Time, and whoſe Authority reach'd but a Part of the Nation, and from the fatal Rent of the Kingdom of *Iſrael*, from the Kingdom of *Judah*, owing to the Reſolution of *Rehoboam*, to follow the Councils of private Men and Favourites, againſt the national Council and Congregation; who well underſtood their own Power, tho' he was ſo weak as not to know it, or ſo obſtinate as not to regard it.

I ſhall

I ſhall leave this Part of the *Hebrew* Conſtitution, with a ſhort Summary of the Nature of this Office, in the Words of the very learned *Calmet*. " It (the Authority of the Judges) " reach'd both to Affairs of War " and Peace. They determin'd Cauſes with " abſolute Authority, but they had no Pow- " er to make new Laws or impoſe new " Taxes on the People. They were Pro- " tectors of the Law, Defenders of Religion, " Avengers of Crimes, eſpecially of Idolatry ; " yet ſtill without Shew, without Pomp, " without Followers, without Equipage, un- " leſs their own Eſtates enabled them to have " a Number of Servants conformable to their " Dignity *." But this could ſeldom happen ; for, as our Author further obſerves, " The Revenues of their Office conſiſted in " the Preſents that were made to them ; they " had no other ſettled Revenue, nor did they " raiſe any thing from the People."

Here then was a Magiſtrate of great Service in uniting the Councils and Forces of the *Hebrew* Nation ; and what may deſerve a particular Reflection, a Magiſtrate of ſuch Authority as was ſufficient to prevent any ambitious Deſigns of any other Magiſtrates, how great or powerful ſoever, from taking Place, whether of the *Princes* of the Tribes, or of any of the more powerful *Tribes*, or of the *High-Prieſt*, whatever you will ſuppoſe

* Calmet Dict. V. Judges.

poſe their Authority to be. For the chief Authority both in Affairs of War and Peace being lodged in his Hands, all other Perſons were under obligations of Obedience to him, and contumacious Diſobedience to him was a capital Crime by the Conſtitution; and as he had the chief Command of all *Iſrael* as an Army, what ambitious Views could be put in Execution without a general Revolt of all the Tribes, hardly poſſible when the Tribes were under the Command of different Princes, who could have no common Intereſts or Ambition to unite them, but muſt rather have oppoſite Intereſts and Ambition, unleſs they ſhould be united in Preſervation of the Conſtitution and the common national Liberty, if the Judge ſhould attempt to ſtretch his Power and Authority beyond its legal Bounds ſet to it by the Conſtitution.

Yet, on the other hand, this Conſtitution has taken the utmoſt Care, and with all the Marks of political Wiſdom, that the Judge ſhould not have it in his Power to ſtretch his Authority beyond its legal Bounds; for his Authority was temper'd by the *Oracle*, and by the Advice and Conſent of the *Hebrew Senate* and *People*. He had no Power to alter or change any Laws, nor to make any new one as occaſion might offer to ſtrengthen his Intereſt, or to repeal any old Law that might ſtand in his Way. The veryPerſons who had the Rank of his Counſellors,

ſellors, were Commanders of the Hoſts of *Iſrael*; and the whole Army of *Iſrael* conſiſted of none but the Free-holders of *Iſrael*. There was no ſuch thing as a *Soldiery*, either of Men or Officers, who were liſted *en ſolde*, or for Pay; nor had the Judge any thing to pay them with, if there had been any to be hired: For no *Iſraelite* could increaſe his Eſtate by the Conſtitution, in virtue of the univerſal and perpetual *Agrarian Law*; and no Man could make a great Eſtate any other way, in a Country where there was no foreign Trade, and where Intereſt of Money, if any one could be ſuppoſed to have much, was moſt ſtrictly prohibited by Law; and when, finally, he could not, on any Pretence whatſoever, raiſe Money by a Tax on the People. For the People were liable to no Taxes, but what they paid by the original Conſtitution to the Temple and *Levites*; which was the whole publick Revenue, and Civil Liſt of the *Hebrew* Government.

But theſe Reflections will deſerve a more particular Conſideration in another Place.

CHAP.

CHAP. XI.

Of the ORACLE.

THERE remains one Conſideration more of very great Conſequence, to a right Underſtanding of the *Hebrew* Government. In other Governments their Civil Polity conſiſted only in an Aſſembly of the People, a Senate with ſome chief Magiſtrate or Magiſtrates. The *Greeks* and *Romans* were uſed indeed, on more extraordinary Occaſions, to conſult their *Oracles*; and they accounted it very wiſe and prudent to undertake all great Affairs *auſpicato* or *augurato*, with the Approbation of the Gods. Their *Auſpices* and *Augurs* were Officers of State, of Reputation and Credit, tho' theſe wiſe and polite Nations were ſo far miſled by their Idolatry, as to conſult what the Events of Things would be by the moſt ſilly and ridiculous Superſtitions; by the *flying* of Birds, the *pecking* of Chickens, or the *Entrails* of the Beaſts to be ſacrificed. But none of theſe Governments placed the Sovereignty in the Gods, whoſe *Oracles* they conſulted; generally they had not the Honour of being the *tutelar* Gods of the particular Cities which conſulted them. Such were the celebrated *Oracles* of *Apollo* at *Delphi*, and of *Jupiter Hammon* in *Libya*. But the

Hebrew

Hebrew Government placed the *Majeſtas Imperii*, the Sovereignty as King, in *Jehovah*. *Jehovah* the one true God was not only their God, and as ſuch the only Object of their *Religion* and Worſhip, but he was the *King of Iſrael*, and ſo the proper political Head of that Nation. And thus, as has been obſerved, this Government is very properly called by *Joſephus* and others, a *Theocracy*; or, according to *Conringius*, " The *ſumma* " *Poteſtas*, or ſovereign Authority, conſiſts " chiefly in three Things, in making Laws, " declaring War, and appointing Magiſtrates; " the ſupreme Direction of all which were " placed by the *Hebrew* Conſtitution in *Je-* " *hovah* himſelf*."

It is manifeſt, to uſe the Words of the ſame Author, that God reſerved to himſelf the Power of making Laws. The Law of the ten Commands was thus enacted, *And God ſpake all theſe Words, ſaying, I am the Lord thy God, which have brought thee out of the Land of Egypt, out of the Houſe of Bondage.* Theſe Laws are given the *Hebrew* Nation by *Jehovah*, not as the Maker of Heaven and Earth, but as their King, who had delivered them out of *Egyptian* Bondage.

Ex. xx. 1, 2.

In

* Tria adeo fuerunt, in quibus ſumma poteſtas quantam nimirum in Politicis obſervare poſſumus, quam maxime eſt conſpicua, Leges condere, Bellum indicere, Magiſtratus Judiciaque conſtituere; porro horum omnium in Republica Ebræorum, penes ipſum Deum Arbitrium fuit. *Conringius de Rep. Ebræ.* §. vii. 240.

In like manner, God publiſhes alſo the *Judgments*, the political or judicial Laws. *And the Lord ſaid unto Moſes, thus ſhalt thou ſay unto the Children of Iſrael.* This is a Preamble to the following judicial Laws from *Jehovah* to *Moſes*, and by him to the *Hebrew* Nation. *Now theſe are the Judgments which thou ſhalt ſet before them.* This Authority of making Laws was ſo fully and intirely reſerved to *Jehovah* himſelf, as King of *Iſrael*, that no Power was allowed to any Magiſtrate or Court of *Iſrael*, either to make a new Law, or to repeal an old one. It was not allowed to the *High-Prieſt*, the *Judge*, the *Senate*, the *Congregation* aſſembled in full Parliament, much leſs was ſuch Power lodged in the Hands of either of them ſeparately, as has been obſerved before, and as appears to be a fundamental Law of the Conſtitution.

Exodus xx. 22. xxi. 1. Deut. iv. 1, 2. xii 32.

Jehovah moreover as King of *Iſrael*, commanded their Armies. The Tabernacle in the Camp was the Tent of *Jehovah*, as their General, *that thy Cloud, ſays Moſes, ſtandeth over them; and that thou goeſt before them by Day-time in a Pillar of a Cloud, and in a Pillar of Fire by Night.* This Glory, or *Schechinah*, gave Orders for their marching or continuing in their Camp: *For when the Cloud was taken up from the Tabernacle, then after that the Children of Iſrael journeyed, and in the Place where the Cloud abode, there the Children of Iſ-*

Numbers xiv. 14. ix. 17, 18.

rael pitched their Tents; at the Commandment of Jehovah the Children of Iſrael journeyed, and at the Commandment of Jehovah they pitched. Hence we ſee the Propriety and Beauty of thoſe Expreſſions
Numb. x. 35, 36. of *Moſes, And it came to paſs when the Ark ſet forward, that Moſes ſaid, Riſe up LORD, and let thine Enemies be ſcattered, and let them that hate thee flee before thee; and when it reſted he ſaid, Return, O LORD, unto the many Thouſands of Iſrael.* It was therefore a great Preſumption for the Army to march without this Direction, eſpecially againſt it. *Moſes* on ſuch an Oc-
xiv. 41, 42. caſion thus juſtly expoſtulates: *And Moſes ſaid, Wherefore now do ye tranſgreſs the Commandment of the Lord, but it ſhall not proſper? Go not up, for the Lord is not among you, that ye be not ſmitten before your Enemies.* This Obſervation alone is a ſatisfactory Reaſon why the *Hebrews* were often ſmitten before their Enemies, tho' *Jehovah* was their King and General. A Circumſtance ſome have repreſented, I would hope thro' Ignorance of the true Reaſon, as an unanſwerable Objection to this great Privilege of the *Hebrew* Nation, that God was their *King* and Governor.

To give but one Inſtance more, the Directions for the Siege of *Jericho*, and the Manner of taking it at laſt, which are ſo
Joſh. vi. largely related in the Hiſtory of *Joſhua*, are

a full Evidence how far the *Oracle* or WORD of *Jehovah* directed their military Affairs.

Finally, the Conſtitution of their Judges, ſuperior and inferior, and the *Cognizance* of many Cauſes, ſome in the firſt Inſtance, and others on Appeal, are another Branch of the Sovereignty of *Jehovah* as King of *Iſrael*. The Uſe of the *Oracle* in deciding difficult Caſes in Law, is the more obſervable as it ſerves to explain the Conſtitution, with reſpect to Appeals. The *Oracle* thus decided the Queſtion, how Perſons defiled by a dead Body, were to keep the Paſſover. Thus alſo the Oracle determined the Queſtion of Female-Heireſſes, in the Caſe of the Daughters of *Zelophehad*. And thus it was the *Oracle* or WORD of *Jehovah*, which declar'd the Puniſhment of breaking the Sabbath. Hence the laſt Reſort in Cauſes judiciary of greater Moment and Difficulty was in the *Oracle*, not in the private Opinion of the *High-Prieſt* alone, or of the *Judge* alone, or of both jointly with the *Senate*, unleſs they were fully agreed: If a Difficulty aroſe, the laſt Appeal was to the *Oracle*; in the Anſwer of which, the High-Prieſt did not give his private Judgment, but the *Oracle* itſelf gave final Judgment in the Caſe.

Numb. ix. 8, 9. xx. 7. xv. 34, 35.

But how, you will ſay, was this *Oracle given*, which was of ſo high Authority in the *Hebrew* Conſtitution? Was not this *Oracle*, after all, the *High-Prieſt*, who was to conſult and report? Had he not an Oppor-

How the Oracle was given.

tunity either of making or reporting *Oracles* in ſuch manner, that a ſkilful Man had great Advantages, and might draw to himſelf and the Church the greateſt Authority, if not the whole Power of the Nation by it? So ſome Perſons would teach you to reaſon, with a Deſign you ſhould conclude, that the whole *Hebrew* Conſtitution was a Trick of worldly Policy in *Moſes*, to invade the Liberties of the *Hebrew* Nation, to draw the Power and Riches of it into his own Family, and to ſhare it among the Prieſthood.

How wiſe, and ſagacious, are ſuch Conjectures as theſe? When, if the High-Prieſt had ſuch Opportunities by his Office of conſulting the *Oracle*, as are ſuggeſted, would it not have greatly affected the Power and Authority of the *Judge*, that is, of *Moſes* and his own Office, and have barred his own Poſterity for ever from any ſhare in it: For his own Poſterity could not riſe ſo much as to the Honour of a Prieſt, much leſs to the Dignity and Authority of an High-Prieſt, whatever that might be. And would not *Moſes* have been an admirable Politician indeed, if he had any Views of the Greatneſs of his own Family, by one Conſtitution to throw the Riches and Authority of the Nation into the Hands of the Prieſthood, and by another Conſtitution to bar his own Poſterity of the Prieſthood, and thereby of all Share in the Riches or Power belonging to it?

it? But, to leave theſe Reflections, let it be conſider'd how this *Oracle* was *given*, what Concern the High Prieſt had in it, and it will be ſufficient to ſhew how groundleſs ſuch Objections are, and with what Wiſdom the *Oracle* was made ſo important a Part of the National Conſtitution.

The Oracle given in different manners: One without being conſulted by the High-Prieſt.

To underſtand aright how the *Oracle* was given, it will be neceſſary to obſerve, it was given in two very different Manners; in one of which it is proper you ſhould obſerve, the High-Prieſt could have no Share at all. This was by a *Voice* from the Glory or *Schechinah* directly and immediately, without being conſulted at all; it was the *Schechinah* gave the Law on Mount *Sinai*, *And God ſpake all theſe Words, ſaying.* But then the *Oracle* was given in ſuch awful Manner, as greatly affrighted the People; *Aud all the People ſaw the Thunderings and the Lightnings, and the Noiſe of the Trumpet, and the Mountain ſmoaking; and when they ſaw it, they removed, and ſtood afar off; and they ſaid unto Moſes, ſpeak thou with us, and we will hear; but let not God ſpeak with us, leſt we die.* In this Caſe the *Oracle* was heard by the whole *Hebrew* Nation, and its Voice was attended with that awful Solemnity as ſilenced all Suſpicion of Prieſtcraft, and gave ſuch Credit and Authority to *Moſes*, that it was the unanimous Deſire and Requeſt of the whole People, that they might receive the other Laws to be given

Ex. xx. 1.

18. 19.

by the *Oracle* from *Moſes*, who was to receive the Commands of God from the *Oracle*, and publiſh them to the People.

It was at this Time, and in this Manner, the *Oracle* enacted all the Laws of the *Hebrew* Government, at a time when the whole *Hebrew* Nation had ſo many, ſo plain, ſo great Inſtances of the Preſence of *Jehovah* with them, and of the Authority of *Moſes* to publiſh the Will of God to them, that they could have no reaſonable Doubt or Suſpicion concerning their Laws, or whether they were really given by his *Oracle*.

It has been obſerved, that theſe Laws were the whole Conſtitution of the *Hebrew* Government; that they were ſo ſacred that neither were any of them to be repealed, nor were any new Laws to be added to them. Thus *Jehovah*, as Law-giver, gave his Law, by his *Oracle*, in ſuch Manner as the High-Prieſt had no Concern in it at all; and therefore, moſt certainly, could make no Advantage of it.

And hence too it is obſervable, that when the High Prieſt did conſult the *Oracle*, he had no Opportunity of making any new Law, or of repealing any Law already made; for the *Oracle* itſelf had previouſly forbad it, by a fundamental Law of the Conſtitution.

How the High-Prieſt conſulted the Oracle.

What was it then that the Law intended by directing the High-Prieſt to conſult the *Oracle*, or to aſk Counſel by *Urim* before the

the Lord? which was the ſecond Manner in which the *Oracle* was given. Let the Direction itſelf inform us.

When *Joſhua* was appointed Succeſſor to *Moſes*, it is directed, *And he ſhall ſtand before Eleazar the Prieſt, who ſhall aſk Counſel for him after the Judgment of Urim before the Lord; at his Word ſhall they go out, and at his Word ſhall they come in, both he, and all the Children of Iſrael with him, even all the Congregation.* It is not material to our Enquiry, what the *Urim* and *Thummim* were. It is ſufficient to know they were ſomething in the Breaſt-plate of Judgment, a Part of the rich Garments of the High-Prieſt. So the Law, *And thou ſhalt put in the Breaſt-plate of Judgment the Urim and the Thummim, and they ſhall be upon Aaron's Heart when he goeth in before the Lord.* The High-Prieſt was to wear the *Urim*, in the Breaſt-plate; but as a learned Author * obſerves, "the Judge commands him to put it on, "the Judge aſks Counſel, not the High-"Prieſt;" (he means not of his own Motion, and for himſelf, but at Direction of the Judge, and in his Name) "nor does the "High-Prieſt anſwer. He anſwers by the "Urim,

Numbers xxvii. 21.

Ex. xxviii. 30.

* Jubet Imperator apponere, conſulit Imperator, non conſulit Pontifex; nec reſpondet Pontifex, reſpondet per fulgorem Urim, vel quod rectius Deus ipſe per Urim. *Houtuyn Monarchia Hebræor. p.* 53.

" Urim, or more properly God himſelf an-
" ſwers by the Urim."

The Direction of the Law itſelf, that *Joſhua* ſhould ſtand before *Eleazar* the Prieſt, who ſhall aſk Counſel for him after the Judgment of *Urim* before the Lord, ſeems very plainly to intimate, that the Judge, and in like manner, whoever it was for whom the High-Prieſt aſked Counſel by *Urim*, was preſent with the High-Prieſt when he conſulted the *Oracle:* for the Perſon for whom the High-Prieſt conſulted was to ſtand before the High-Prieſt, as the High-Prieſt was to ſtand before the Lord; that is, as the *Hebrew* Expreſſion to ſtand before the Lord ſignifies, they were both of them in Preſence of the *Oracle*. So that the Account which the *Talmudiſts* give of the Manner of conſulting the *Oracle*, ſeems agreeable to the Truth of Hiſtory, and in this Inſtance to be taken from it: " That
" the High-Prieſt ſtood with his Face towards
" the Ark, the Perſon who conſulted the
" *Oracle* ſtood at his Back, and ſaid, Shall I
" do this Thing, or ſhall I not do it *?" And *Joſephus* obſerves from this Circumſtance,
" That as it was lawful for any Perſon who
" thought fit to be preſent when the *Oracle*
" was conſulted, that was ſufficient to re-
" move all Suſpicion of Impoſture from the
" Minds of all thoſe who conſulted it, and to
" give

* Modus hoc Oraculum conſulendi hic erat, Pontifex Arcam verſus faciem inflexit. Ille qui Oraculum conſuluit ei a tergo ſtetit, dixitque, faciam hoc aut non faciam? *Otho Lexicon Rabbinicum Voc.* Urim.

" give Satisfaction to Strangers, as well as " *Hebrews* *."

The Manner in which the *Oracle* gave its Anſwer, might very eaſily be underſtood, if we would keep ourſelves to the *Hebrew* Hiſtory. It is ever mentioned in Scripture, to be by a Voice, and in audible Words: When the Law of the ten Commands was given, it is ſaid, *God ſpake all theſe Words, ſaying.* In the After-Laws the common Phraſe is, *The Lord ſpake, ſaying*; or, *aſking Counſel at the Mouth of the Lord.* There is one Deſcription of the Manner in which the *Oracle* gave its Anſwer ſo clear and ſo expreſs, that it ſhould ſeem to want no other Explanation; and that no Queſtion could well remain, concerning the Manner of it. *And when Moſes was gone into the Tabernacle of the Congregation to ſpeak with him,* (that is, to conſult God by his *Oracle*) *then he heard the Voice of one ſpeaking unto him from off the Mercy-Seat that was upon the Ark of Teſtimony from between the Cherubims, and he ſpake unto him.* When *Moſes* again conſulted the *Oracle*, how the Paſſover ſhould be kept by thoſe who had been

How the Anſwer of the Oracle was given.

Ex. xx. 1.

Numbers vii. 89.

* Ουδαμοθεν γαρ προφητων κακουργιαις κατελοιπεν αφορμην. ει δε τινες τοιουτοι γενοιντο παρεγχειρειν τω τη θεω αξιωματι αυτοκρατορα δε ειναι τον θεον παρατυγχανειν τοις Ιερευσι κατελιπεν οποτε θελησειεν ἢ μη παρειναι ἢ τουτ ουκ Εβραιοις δηλον ειναι μονον εθελησεν, αλλα ἢ των ξενων τοις παρατυγχανουσιν. Nam ea Veſtis, omnem ſub Prophetiæ prætextu impoſturarum occaſionem, ademit his, qui illo utebantur, liberumque Deo vel adeſſe Sacerdotibus vel non, omnibus & popularibus, demonſtravit, & extaris ſi qui forte huic ſpectaculo intervenirent. So the Interpreter of *Joſephus*. *Joſephus Antiq.* l. 3. c. 10. p. m. 89.

been defiled by a dead Body, the Anſwer of the *Oracle* is thus expreſs'd, *And the Lord ſpake unto Moſes, ſaying.*

Numbers ix. 9.

The ſame Form of Expreſſion was uſed when the *Oracle* was conſulted after the Death of *Joſhua*; *Then Iſrael asked the Lord, ſaying, Who ſhall go up for us againſt the Canaanites firſt, to fight againſt them?* The Anſwer of the *Oracle* was returned after this Manner: *And Jehovah ſaid, Judah ſhall go up, behold I have delivered the Land into his hand.* There is moreover an Anſwer of the *Oracle* to *David*, ſo diſtinct, and of ſuch length, that there ſeems no Room left to imagine any other Way of Anſwer, than by a Voice, and audible Words: *When David enquired of the Lord, he ſaid, Thou ſhalt not go up, but fetch a Compaſs behind them, and come upon them over againſt the Mulberry Trees, and let it be when thou heareſt the Sound of a Going in the Top of the Mulberry Trees, that then thou ſhalt beſtir thyſelf: for then ſhall the Lord go out before thee, to ſmite the Hoſt of the Philiſtines.*

Judges i. 1.

2 Sam. v. 23, 24.

Hence it may appear, that the common Account of the *Talmudiſts*, that the *Oracle* gave its Anſwer by ſome inconceivable Shining or Protuberance of the Letters engrav'd on the Jewels of the High-Prieſt's Breaſt-plate, is as contrary to Scripture, as it is ridiculous and incredible in itſelf; it is indeed ſo next to impoſſible, that our judicious *Spencer* very truly

truly ſaid of it, "It is a *Talmudical* Camel, "that no one that is in his Wits can ever "ſwallow." A Cenſure Dr. *Prideaux** quotes with Approbation.

Let us then learn how the *Oracle*, when conſulted, gave its Anſwer, from that learned Author †. "None other (beſides *Moſes*) "was admitted to aſk Counſel of God, but "through the Mediation of the High-Prieſt, "who in his ſtead aſked Counſel for him "by Urim and Thummim, that is, by pre-"ſenting himſelf with the Breaſt-plate on "over all his other Robes before the Veil, "exactly over-againſt the Mercy-Seat, where "the Divine Preſence reſted; and when he "thus preſented himſelf in due manner, ac-"cording to the Preſcription of the divine "Law, God gave him an Anſwer in the "ſame Manner as he did unto *Moſes*, that is, "by an audible Voice from the Mercy-Seat. "..... And for this Reaſon it is, that the "Holy of Holies, the Place where the Ark "and the Mercy-Seat ſtood, from whence "this Anſwer was given, is ſo often in Scrip-"ture called the *Oracle*; becauſe from thence "the divine Oracles of God were uttered "forth to thoſe that aſked Counſel of him."

In this *Oracle* then, we ſee a conſiderable Part of the *Hebrew* Conſtitution to direct the Counſels of the united Tribes, the political Wiſdom of which is ſeldom remarked in the Civil

* Prideaux Connect. V. I. 155.
† Id. ib. 156.

Civil Government of that Nation. There was a Congregation of all *Iſrael*, or Aſſembly of the People, that all Things might be done with general Conſent; there was a Senate of wiſe and able Perſons, to prepare Things by previous Deliberation and Conſultation, that Things might not be concluded raſhly in a popular Aſſembly, before they were maturely conſidered and examined by Men of Wiſdom and Experience; there was a Judge to aſſemble the States-General on proper Occaſions, to preſide in their Aſſemblies, and to command the Armies of the united Provinces, and to ſee the National Reſolutions duly executed. And finally, here was an *Oracle*, which was to be conſulted by the High-Prieſt on great Occaſions, that no raſh Reſolutions of the People, Senate, or Judge, might be brought into Execution, in Caſes of Moment and Difficulty; but they were to aſk Counſel of God, or to obtain the Royal Aſſent of *Jehovah* as King of *Iſrael*, by his Oracle.

This was a wiſe Proviſion, to preſerve a continual Senſe in the *Hebrew* Nation of the principal Deſign of their Conſtitution, to keep them from Idolatry, and to the Worſhip of the one true God, as their immediate Protector; and that their Security and Proſperity depended upon adhering to his Counſels and Commands. It was a further wiſe Proviſion to reſtrain all Ambition and all Raſhneſs, either

either of *Judge*, *Senate*, or *People*, and yet at the ſame Time it gave no dangerous Authority to the High-Prieſt over either of them, for he was to aſk Counſel of the *Oracle*, not of his own Head, or for himſelf; but, as he was directed, by the Judge or ſome other Magiſtrate, for whom he was to ask Counſel; the High-Prieſt being to ask Counſel only on ſuch Queſtions, and to conſult only on ſuch Matters as he was directed to by the Perſons conſulting, and who were preſent with the High-Prieſt when he asked Counſel; and who likely, as was before obſerv'd, put the Queſtions themſelves: The High-Prieſt then could publiſh no falſe Oracles in his own Favour, or in Favour of the Prieſthood, to enlarge their Power, or increaſe their Riches; both which, by the way, were made impoſſible by the Conſtitution, even for the Authority of the *Oracle*. And further, the Judge, the Senate, or the People, muſt themſelves have prepared ſuch a Queſtion for the High-Prieſt to have put to the *Oracle*; for even an *Oracle* cannot anſwer a Queſtion that is never asked. When then whatever was asked of the *Oracle*, was firſt conſidered and reſolved upon by the *Judge*, *Senate*, or *People*, the Queſtion to be propoſed by the High-Prieſt muſt be previouſly paſs'd by their Advice and Conſent: So that the High-Prieſt in this Caſe was ſo far from having a dangerous Power put into his Hands,

of

of impoſing upon the Judge, Senate, or People, by falſe Oracles, or forged Revelations in his own Favour, againſt the Liberties of the Nation or the Government, that he could not put any Queſtion to the *Oracle*, but what was previouſly reſolved upon, and put into his Hands by thoſe very Perſons whom he is very ignorantly or very unjuſtly ſuppoſed by this Conſtitution enabled to impoſe upon. This is a Suppoſition as groundleſs and unreaſonable, with what Confidence ſoever it is aſſerted, as to ſuppoſe, that when our Acts of *Parliament* have paſs'd both Houſes, and are offered to the Royal Aſſent, the Perſon who preſents them to the King, or returns the King's Anſwer, has a Power of forging what Laws and impoſing on the Nation what Acts of Parliament he pleaſes.

A modern Author *, for what Reaſons I ſay not, has moſt unaccountably miſrepreſented the true Caſe of this *Oracle*. "The "*Oracle*, the dernier Reſort, he ſays, was "the Voice of the High-Prieſt, who when he "was cloathed in his *Pontificalibus*, it was "preſumed he could neither be miſtaken "himſelf, nor impoſe upon others; or that "on theſe Occaſions, he was both infallible "and impeccable; or that his Voice or ora-"cular Deciſion, was the undoubted orga-"nized Voice of God. . . . . He might al-"ter, he adds, his natural Tone, Air, and "Action, to humour the Conceit, that he

* Moral Philoſ. Vol. I. 272.

" he was under a ſupernatural divine Impreſ-
" ſion."

Where, think you, could our Author find ſuch an Account of the *Oracle?* In the whole of which there is not one Circumſtance of Truth, every Part of it is not only groundleſs, but directly contrary to the Deſcription, and Uſe of it, in the *Hebrew* Hiſtory. The *Oracle*, the dernier Reſort, he ſays, was the *Voice of the Prieſt.* Who, I beſeech you, told him ſo? The whole Hiſtory is poſitive the *Oracle* was the Voice of *Jehovah* to the High-Prieſt, or rather to the Perſon who asked Counſel of the *Oracle* by the High-Prieſt. The utmoſt that can ever be ſuppoſed of the Voice of the High-Prieſt, is, that the High-Prieſt *reported* what he heard from the *Oracle.* But whoever examines with due Attention the Manner in which the *Oracle* gave its Anſwers, will have great Reaſon to *queſtion at leaſt*, whether the High-Prieſt did ſo much at report the *Oracle?* We have ſeen that the Perſon who conſulted the *Oracle* by the High-Prieſt, ſtood before the High-Prieſt when he ſtood before the Lord; that is, they were together in the Preſence, when the *Oracle* was conſulted. We have ſeen that the *Oracle* was a diſtinct audible Voice from the Preſence, which therefore it is moſt highly probable, the Perſon who asked Counſel heard plainly and diſtinctly himſelf: For our Author, I pre-

preſume, will not deny that a *Lay-Man* may have as good Ears as a *Prieſt*; What Need then for the High-Prieſt to report an Oracle to one who had heard it himſelf?

As the Perſon who conſulted was with the High-Prieſt in the Preſence, and the Voice of the *Oracle* muſt have been loud enough to be heard from the Holy of Holies; for the High-Prieſt did not conſult in the Holy of Holies, it being unlawful for him to enter into that moſt holy Place above once a Year; what Doubt can there be whether a Perſon who was with the High-Prieſt, tho' ſomewhat behind him, might hear ſuch a Voice, as well as the High-Prieſt himſelf?

" When the High-Prieſt, he ſays, was " clothed in his *Pontificalibus*, it was pre- " ſumed, he could be neither miſtaken in " himſelf, nor impoſe upon others; or that " on theſe Occaſions, he was both abſolutely " *infallible*, and *impeccable*; or that his Voice, " or oracular Deciſion, was the undoubted " and *organized Voice of God?*" But who are they who thus preſume? Whoever they are, they preſume much more than becomes them. Theſe are Preſumptions not only without all Foundation of Reaſon, but againſt the plaineſt and the ſtrongeſt Evidence to the contrary.

The High-Prieſt is never once preſum'd to be ſo perfect a Man, that he could be neither miſtaken himſelf, nor impoſe upon others, nor was there the leaſt Need he ſhould be

either infallible or impeccable on theſe Occaſions: For in truth, in conſulting the *Oracle*, the Anſwer no ways depended upon any perſonal Abilities of the High-Prieſt: If he had Underſtanding enough to aſk a Queſtion, which was put into his Hands by others to aſk, if he had Senſe enough to report an Anſwer, it was as much as was needful for any Part he had in aſking Counſel of the *Oracle*. Who ever preſumed the Clerk of the Crown, or Clerk of Parliament infallible or impeccable, becauſe one reads the Titles of the Bills offered to the Royal Aſſent, and the other, according to Inſtructions from the King, pronounces the Royal Aſſent?

Every Circumſtance then of his Account appears to be his own groundleſs Preſumption, manifeſtly contrary to the whole Account the *Hebrew* Hiſtory gives of it. The Reader perhaps will obſerve the *Morality* of falſifying ſo many Facts, in order to find an Occaſion to reflect on one Part of the *Hebrew* Conſtitution.

The High-Prieſt, he adds, might alter *his natural Tone, Air, and Action*; but, I pray, for what End or Purpoſe ſhould he go about to do either? Why, to *humour*, our Author ſays, the Conceit that he was under a ſupernatural and divine Impreſſion. What! muſt the High-Prieſt take ſo much Pains to humour a Conceit, which no Man could have from the Conſtitution? This is another of

our Author's own Conceits, and full out as groundleſs as the reſt.

The High-Prieſt was never underſtood to be under any *ſupernatural* or divine Impreſſion. It is poſſible, our Author might take his Conceit from the *Sibylline Oracles*, and miſtook the Deſcription of an Heathen Poet for *Hebrew* Hiſtory.

> Struggling in vain, impatient of her Load,
> And labouring underneath the pond'rous God,
> The more ſhe ſtrove to ſhake him from her Breaſt,
> With more, and far ſuperior Force he preſs'd.
> Commands his Entrance, and without Controul,
> Uſurps her Organs, and inſpires her Soul *.

Thus *Virgil* beautifully deſcribes the *Oracle* of the *Sibyl*, according to the Heathen Notions; but the *Hebrew Oracle* was not ſo; far different is the Account of it in the *Hebrew* Hiſtory; God is no where repreſented as uſurping the Organs, or inſpiring the Soul of the High-Prieſt. The High-Prieſt only aſks a Queſtion, before the Preſence, over the Mercy-ſeat, and receives an Anſwer from thence in a plain audible Voice.

Our Author † has another Preſumption, in which however he may have been miſled by the fabulous Chronology of the *Egyptians*: "While this People (the *Jews*, he ſays) were "in *Egypt*, they had been much amazed "and ſurpriſed with the infallible Declara-

"tions

* Virg. Æn. Dryden, l. vi. 120.
† Moral Philoſ. Vol. I. 268.

" tions and Deciſions of *Jupiter-Hammon*." This Preſumption is intended to introduce another Conceit, that the *Oracle* of *Jehovah* was an Imitation of the *Oracle* of *Jupiter-Hammon*; but it happens in fact untowardly for both Conceits, that *Jupiter-Hammon* was not born till above four hundred Years after the *Jews* came out of *Egypt*. The true Chronology of *Egypt*, reſtored by the illuſtrious Sir *Iſaac Newton* *, places *Hammon* King of *Egypt* about one thouſand and thirty-four Years before the Birth of Chriſt; that is, in the times of *David*, above four hundred and fifty Years after the Law of *Moſes*.

You may further ſee the Judgment of that illuſtrious Author†, concerning the Original of Heathen Oracles. " The Year before " Chriſt 1002, *Seſac* reigns in *Egypt*; he " erected Temples and Oracles to his Father, " in *Thebes*, *Ammonia*, and *Æthiopia*, and " thereby cauſed his Father to be worſhip- " ped as a God in thoſe Countries; and, I " think alſo, in *Arabia Felix*. And this " was the Original of the Worſhip of *Jupi-* " *ter Ammon*, and the firſt mention of *Ora-* " *cles* I meet with in profane Hiſtory." And elſewhere he ſuppoſes, " The *Greeks* in their " *Oracles* imitated the *Egyptians*; for the " *Oracle* of *Dodona* was the oldeſt in *Greece*, " and was ſet up by an *Egyptian* Woman,

 " after

* Sir Iſaac Newton's ſhort Chronicle.

† Herod II. Newton. Empire of Egypt, 207,

" after the Example of the *Oracle* of *Jupi-*
" *ter Ammon*, at *Thebes*." It is true, this Error of our Author is only an Error in Chronology; but as it is an Error, all Preſumption, and Conceits founded upon it, muſt be erroneous too, and ſhould teach his Readers caution never to take his bare Word without very ſufficient Vouchers.

Upon this Plan of the *Hebrew* Government, taken from the Laws and Hiſtory of the *Hebrews* themſelves, a few eaſy Reflections will lay a Foundation to anſwer the Objections with ſo much Aſſurance made to the Equity and Wiſdom of it. They will appear to be founded on groſs Ignorance of the Conſtitution itſelf, or on a very unfair or falſe Repreſentation of it. It is a ſhrewd Sign of a very bad Cauſe, that it ſtands in need of ſo much Falſhood and Forgery to ſupport it.

CHAP.

CHAP. XII.

That the Conſtitution of the Hebrew *Government was a ſtanding Confutation of Idolatry in a viſible Protection of the* Hebrew *Nation, giving it Poſſeſſion of the Lands of the idolatrous* Canaanites, *ſhewing God's immediate Hand in particular Providence; and that God had not left the Government of the World in the Hands of* Dæmons, *or inferior Beings, whom the idolatrous World worſhipped as Gods; proving* Jehovah *the one true God ſuperior to all the Gods in which the idolatrous Nations truſted: That it was very fit to puniſh the idolatrous* Canaanites *by the* Hebrews, *as a Nation owning the one true God; and finally, that a Toleration of* Idolatry *in the Holy Land, was abſolutely inconſiſtent*

with the principal Deſigns and wiſe Intentions of the Conſtitution.

THE particular Wiſdom of every Conſtitution, is to be learn'd from the particular Deſign and *Intention* of it; the *Hebrew* Government was not a meer *Civil* Polity, in which Care was taken only of the Civil Liberty, Peace and Proſperity of the Nation. One principal Intention of this Government, as we have already ſeen, was to put a ſtop to the ſwift Progreſs of *Idolatry*, which had well nigh overſpread all the World, and to which the *Hebrew* Nation was very much inclined. Idolatry was an Evil of ſuch Nature, as not only greatly weaken'd all Principles of Religion and Virtue, but greatly encouraged and recommended all manner of Vice and Wickedneſs in *Principles* and *Practice*. It taught Men to imitate the Gods, they worſhip'd, in the worſt Crimes of Intemperance, Laſciviouſneſs, and Sins againſt Nature, and hallowed Murder as one of the moſt ſacred Rites of religious Worſhip, teaching no Sacrifices were ſo acceptable to the Gods as human. It was a Deſign then worthy the Wiſdom and the Goodneſs of the great Governor of the World, to find out ſome proper way to ſtop this ſpreading Evil, and to preſerve as the great Bleſſings of the World the Knowledge of the one only true God, and of the Obedience due to him, the only true Religion, the

beſt Principles of Virtue and of moral Goodneſs, of the Peace, Order and Happineſs of Society, as well as of the Proſperity and Happineſs of private Perſons.

This we have ſeen was the firſt Intention of this Conſtitution, and in order to it, one main Deſign which runs thro' the whole of it, is to keep the *Hebrew* Nation a diſtinct People, ſeparate from all idolatrous Nations, and idolatrous Cuſtoms, ſo far as any Part of this Conſtitution anſwers this Deſign, ſo far the Wiſdom of it will appear, either as neceſſary or uſeful to promote the general Intention of the whole Conſtitution.

If we conſider the Parts of the *Hebrew* Conſtitution in this View, how many *Objections* to the Wiſdom or Goodneſs of them will immediately diſappear?

How many *Cavils* are there raiſed againſt the Laws, which forbid idolatrous Cuſtoms and Uſages? when nothing ſure could be more reaſonable or wiſe, than to prohibit all ſuch idolatrous Cuſtoms in a Conſtitution, the principal Deſign of which was to prevent *Idolatry*. Conſider the whole Conſtitution in the ſame View, as a ſtanding Confutation of Idolatry, and it will equally and as plainly ſhew the Wiſdom and the Goodneſs of it.

Here is then a Conſtitution founded on the Authority of *Jehovah*. He is the ſole Lawgiver of that Nation, he forms all the Parts of their Conſtitution, he condeſcends

himſelf to become their King and chief Governor, on their receiving him as the only true God, and putting themſelves ſolely under his Protection, renouncing all *Dæmon* Protectors and Truſt in Idols. *Jehovah* promiſes them a pleaſant Land to inhabit, he brings them into that promiſed Land, and ſettles them in it; they hold it of *Jehovah*, as his Gift; he drives out the *Canaanites* before them for their abominable Wickedneſs, the Fruits in great meaſure of their Idolatry; he bleſſes this Nation in the Land he gave them with Liberty, Plenty, Peace and Proſperity, as they keep his Covenant; but when they break it, he permits their Enemies to afflict and oppreſs them. Thus a Nation is ſet up to the View of the World ſmall in itſelf, and weak in compariſon of the great and powerful Empires which aroſe in its Neighbourhood. The *Egyptians*, *Aſſyrians*, *Babylonians*, *Medes*, *Perſians*, and *Greeks*, all roſe, and all fell one after another; when this little Kingdom, tho' ſurrounded every way by them, ſaw them riſe, and outlived their Fall. They ſuffered, indeed, ſometimes ſeverely, for their Corruption of the original Conſtitution of their Government and Religion; yet ſtill they continued their *diſtinct* Government, Laws and Religion for above *fourteen* hundred Years; a much longer time than any known Empire or Kingdom of the World, if we ſet aſide the fabulous Stories of the *Aſſyrian*

ſyrian and *Egyptian* Empires, and keep to hiſtorical Truth. This Nation was moreover placed in ſuch a Situation, as to be known to all the great Empires of the World, attempted by them all, and yet protected againſt them all, by the Power of *Jehovah* as the only true God, often with viſible Marks of his immediate Protection and moſt wonderful Works of his Power.

This ſtanding Example of Providence ſtruck at the very Foundations of Idolatry and idolatrous Worſhip, and to all who would obſerve it was ſufficient to ſhew how weak and falſe all Truſts in the Idols of the Heathens were. Hebrew *Government a Confutation of the Principles of Idolatry.*

The World might ſee in this conſtant Example of the *Hebrew* Nation, it was a groundleſs and falſe Imagination, that the Supreme God had left the Diſpoſal of particular Events relating to Mens Lives or Fortunes to inferior Beings. It might obſerve, that the Bleſſings of long Life, Health, Plenty, Victory, and ſuch temporal Advantages as they look'd for from the Favour and Protection of their Idol Gods, were indeed reſerved by *Jehovah* the one true God in his own Hands. A conſtant Admonition to all Men to truſt alone in *Jehovah*, and not in lying Vanities; the Idols to whom they ſacrificed, whoſe Protection and Favour they endeavour'd to obtain, not only by ſilly and ridiculous *Ceremonies*, but by *immoral* and wicked, moſt inhuman and abominable Rites.

Here

Here was a conſtant Example to ſhew the Power of *Jehovah* the one true God was ſupreme, in fact ſuperior to the Powers of any whom the idolatrous Nations worſhipped as Gods. Thus when *Jehovah* brought *Iſrael* out of *Egypt*, with an high Hand and an out-ſtretched Arm, when the Walls of *Jericho* fell down in ſo wonderful manner, how natural was it not only for the *Hebrews* but for all others to whom the Knowledge of theſe things ſhould come, to ſay, *There is none among the Gods like unto Jehovah?* Or, to uſe the Words of the Pſalmiſt, we may reaſon with him, *So the Heathen ſhall fear the Name of the Lord (Jehovah) and all the Kings of the Earth his Glory.* Let a particular Inſtance explain this Reaſon againſt *Idolatry*, and ſhew the Strength and thereby the Wiſdom of it, as a ſtanding Confutation of Idolatry.

Pſalm cii. 15.

When *Sennacherib* King of *Aſſyria* invaded *Hezekiah* King of *Judah*, he ſends a Meſſage to *Hezekiah* to this effect: *Let not thy God in whom thou truſteſt deceive thee. Have the Gods of the Nations delivered them, which my Fathers have deſtroyed?* How does *Hezekiah* reaſon on this Meſſage from an *idolatrous* King, and in Reproach of his own Truſt in *Jehovah* the God of *Iſrael? Of a Truth, Lord, the Kings of Aſſyria have deſtroy'd the Nations*; (*or the Heathen*) *and their Lands, and have caſt their Gods into the Fire*; *for they*

2 Kings xix. 10. 12.

17, 18, 19.

they were no Gods, but the Work of Mens Hands, Wood and Stone; therefore they have deſtroyed them. Now therefore, O LORD our God, I beſeech thee ſave thou us out of his Hand, that all the Kingdoms of the Earth may know that thou art the LORD God, even thou only.

What followed upon this Prayer of *Hezekiah*, and his Truſt in *Jehovah* the God of *Iſrael*, as the only God? *Iſaiah* was ſent to promiſe *Hezekiah*, that God would deliver him from all the formidable Power of the King of *Aſſyria*, and defend *Jeruſalem* to ſave it. And accordingly *it came to paſs that Night, that the Angel of the Lord went out and ſmote in the Camp of the Aſſyrians an hundred fourſcore and five thouſand; and when they aroſe early in the Morning, behold they were all dead Corpſes. Thus God declared his Glory among the Heathen, his Wonders among all the People.* This ſhewed, *Jehovah is great, and greatly to be praiſed, that he is to be feared above all Gods; for all the Gods of the Nations are Idols, but the LORD made the Heavens.* This declares *among the Heathen, that the LORD reigneth.* When it was no wonder the Kings of *Aſſyria* ſhould deſtroy the Lands of the Heathen Nations, together with their Gods; becauſe they were *Idols*, vain Objects of Truſt, and no Gods: yet *Jehovah*, as God and Protector of *Iſrael*, is able to ſave them; for in one Night

2 Kings xix. 34, 35.

Pſal. xcvi. 3, 4, 5. 10.

Night he can cut off the whole Force of the moſt powerful Enemies of his People.

Thus far, it may be, you perceive without any difficulty, the Wiſdom of the *Hebrew* Conſtitution, as a Preſervative againſt *Idolatry*, and as a ſtanding Confutation of it.

But ſome will ſtill ſay, why muſt the *Canaanites* be driven out of their Country, be depriv'd of their juſt Property and Liberty, by a People who had no Pretences to damage them, either in their Eſtates or Perſons? The *Hebrews*, ſome ſay, had no Right at all to moleſt the *Canaanites*; and it was, they add, a manifeſt Violation of the moſt ſacred Rules of *Juſtice*, for the *Hebrews* to take away the Eſtates and Lives of the *Canaanites*, who had never injured the *Iſraelites*, or given them the leaſt juſt Reaſon to declare War, and invade them in an hoſtile manner.

So this Caſe is commonly, but very unfairly put; for it is no Part of the Queſtion what *Right* the *Hebrews* had to diſpoſſeſs the *Canaanites* of their Land, nor whether they had in themſelves any Right at all. The ſole Queſtion is, Whether God, as ſupreme Governor of the World, had a *Right* to puniſh the Wickedneſs of the *Canaanites*, when their Iniquities were full; or whether the Juſtice of Government will juſtify ſuch Forfeitures and Penalties, as the *Canaanites* were puniſhed with, by expreſs Command

of

of God, for their great and abominable Crimes, and as a People paſt all hopes of Amendment? The abominable Crimes of the *Canaanites* were proved by ſuch open and notorious Acts of Wickedneſs, as no Pretences to *Freedom* of Thought or *Liberty* of Conſcience could juſtify, or were allowed to juſtify, in any well-order'd Government in the World. If Murder, if Sins againſt Nature, are juſtly puniſhable, whatever Principles they may proceed from, if the wiſeſt Lawgivers have made ſuch Crimes capital, can the ſupreme Lawgiver and Judge of the Earth be hindered or barred by Juſtice from puniſhing what every lawful Government has a Right to puniſh by Juſtice.

The Juſtice and Wiſdom of puniſhing the Canaanites *for their Crimes.*

One great End of Puniſhments, and which ſhews the wiſe and neceſſary Uſe of them in Government, is to make great Offenders *Examples*, to deter others from doing the like Evils, that others may learn to fear like Puniſhment for like Offences; a wiſe and good Deſign to prevent the huge Miſchiefs, vicious and ill-diſpoſed Minds would ſurely produce without ſuch Reſtraints.

Who can reaſonably think, or aſſert, that the Juſtice of Government forbids the Governor of the World to take away the Life of a very wicked Man, whoſe Life would be forfeited to the Juſtice of every Civil Government; or that it would be unjuſt for God to cut off ſuch a Perſon in the midſt of his Days,

Days, by ſome untimely Death; whom the Juſtice of the ſmalleſt City, or civil Community, might condemn to loſe their Lives by the Hands of a common Executioner.

Many, I hope, who uſe ſuch Arguments as theſe, are ignorant of the Conſequences of them. They do not perceive it may be, that if it be contrary to *Juſtice* for God to puniſh the Unrighteouſneſs of wicked Men, by a Forfeiture of the Bleſſings of preſent Life, it will be full out as unjuſt for God to puniſh any wicked Man, or any Wickedneſs of Men *at all:* So that the moſt wicked Men and greateſt Offenders againſt the Laws of moral Righteouſneſs, Virtue and Goodneſs, have no reaſon to fear any Puniſhment at the Hands of God at all. And this too, which ſure ſeems ſomewhat ſtrange, from the Laws of Juſtice and moral Government, which declare them to be Crimes fit to be reſtrain'd, and therefore worthy of Puniſhment. Such Aſſertions do not only oppoſe all Revelation, but moreover what are uſually accounted the allowed Principles of *Deiſm*. A noble Author repreſents it, "As "a Doctrine taught by all the eminent "Philoſophers among the Heathen from "the common Principles of moral Philo-"ſophy, that nothing is more agreeable to "the Divine Nature, than that God ſhould "reward Good with Good, and Evil with "Evil. And ſince they obſerv'd, that ſome-

" ſometimes good Men were afflicted, and " wicked Men proſperous in this Life, " they concluded, with moſt certain Evi- " dence from the Juſtice and Goodneſs " of God, there was a Reward for the " Good and a Puniſhment for the Wicked " appointed them after this Life; for o- " therwiſe there could be no reaſonable " Account given, either of the divine Juſtice " or Goodneſs*"

To ſet aſide theſe ſo generally receiv'd Principles of moral *Philoſophy*, as well as all Authority of *Revelation*, is to run through *Deiſm* into downright *Atheiſm*, to aſſign all Events either to *Fate* and Neceſſity, or to unguided *Chance*, which is the ſame thing as to aſcribe all Effects to no Cauſe at all; on which Suppoſition it is nonſenſe to talk of Juſtice, Goodneſs, or any other moral Perfection or Action whatſoever.

It

* Et quidem præmium bonis, & ſupplicium malis, vel in hac vita, vel poſt hanc vitam dari ſtatuebant Gentiles, utrumque ex juſtitia & bonitate divina colligentes, quæ ſumma Dei Opt. Max. attributa ab illis agnita fuiſſe, cuncta aperte clamant veterum teſtimonia . . . . . Nihil mage congruum naturæ divinæ eſſe docuerunt, tum Philoſophorum, tum Theologorum Gentilium præcipuorum Scholæ, quam ut bona bonis, mala malis remetiretur Deus . . . . Cæterum quum id quoque cernerent, quemadmodum viri boni calamitatibus miſeriiſque oppreſſi heic jacerent, mali improbique e contra lautitiis omnibus affluerent, certiſſimis ex juſtitia bonitateque divina argumentis deductis, bonis poſt hanc vitam præmium condignum malis pœnam dari credebant; ſecus enim ſi eſſet, nullam neque juſtitiæ, neque bonitatis divinæ rationem conſtare poſſe. *Herbert de Relig. Gentil. p.* 274, 275.

It deſerves further to be conſidered, that if it be unjuſt to reſtrain Men of any Liberties, or to puniſh them for any Abuſe of them; ſo that *Juſtice* forbids God himſelf to puniſh any with Forfeiture of Eſtate or Life, whatever they do; what Rights then can any Men have to puniſh their Fellow-Creatures with ſuch Forfeitures? This will make all Laws of Society, for the Reſtraint or Puniſhment of the greateſt Wickedneſs and moſt notorious Offenders, unjuſt too. What will be unjuſt in God will be evidently as unjuſt in Men, the worſt of Offenders will have a juſt Right to defend themſelves againſt Injuſtice, and may ſurely juſtify themſelves in doing what God cannot juſtify himſelf in puniſhing them for. And thus, this Principle will end in an entire Subverſion of all Government both divine and human, and on pretence of preſerving the Rights of Juſtice, will make it impoſſible to have any ſuch thing as the publick Juſtice of Government, and muſt, if ſuch Principles ſhould prevail, baniſh it out of the Earth. Such over-ſtrain'd Notions of Juſtice, as leave no room for the Exerciſe of any Juſtice at all muſt certainly be unreaſonable and falſe. Let it then be obſerved, this Queſtion is very weakly as well as unfairly put on the foot of *Juſtice*; for it muſt be allowed, either that God can in Juſtice puniſh great incorrigible Offenders, or that none can juſtly puniſh them;

them; that is, they cannot in Juſtice be puniſh'd at all; that is, there is no ſuch thing as Juſtice at all.

Juſtice and Wiſdom of God's puniſhing the Canaanites *by the Hands of the* Hebrews.

Yet ſtill ſome will inſiſt upon it, there is no Appearance of *Wiſdom*, at leaſt of *Goodneſs*, that God ſhould puniſh the *Canaanites*, by giving a Commiſſion to the *Hebrews* to drive them out of their Poſſeſſions, or put them to the Sword. If God would puniſh the *Canaanites* for their Iniquities, why was it not done, they ſay, by his own Hand? by unfruitful Seaſons or peſtilential Diſtempers, that it might appear it was a Puniſhment inflicted on them by God, as Governor of the World, and to prevent any Pretences Men might make of reforming the Erroneous, by diſpoſſeſſing them of their Eſtates, Liberties, or Lives? An Example, they ſay, that may be uſed to juſtify and encourage the higheſt Acts of Injuſtice and Cruelty, under the Maſk of Religion, and in the Name of the Lord.

As it is well known, ſo there is no need to deny, that the *Hebrews* did claim the Land of *Canaan* as the *Gift of God* to them. It is as well known, that they made their Claim of it as the Gift of God, upon the Forfeiture of the *Canaanites*, when their Iniquities were fully ripe. On this is founded that ſolemn Admonition to the *Hebrews* themſelves, *Defile not ye your ſelves in any of theſe things, for in theſe the Nations are defiled, which I caſt out before you,* Lev. xviii. 24.

you, and the Land is defiled; therefore I do viſit the Iniquities thereof upon it, and the Land itſelf vomiteth out her Inhabitants. Ye ſhall not commit any of theſe Abominations . . . . that the Land ſpew not you alſo when ye defile it, as it ſpewed out the Nations that were before you.

In this Puniſhment of the *Canaanites* God did viſit their Iniquities, and he puniſhed their Iniquities by giving their Land to the *Hebrews*; which they were to hold by a Grant from God, by keeping his Statutes and Judgments, and not committing any of the Abominations for which the *Canaanites* were thus puniſhed; that is, the *Canaanites* were puniſh'd with a Forfeiture of their Country, becauſe of their Abominations, which they were guilty of chiefly by means of their Idolatry; and the *Hebrews* were to hold it on the Grant of the true God, keeping themſelves from the like Abominations. Now in this Grant both the *Habendum* and the *Reddendum*, are a publick Condemnation of Idolatry and ſtanding Confutation of it, in maintaining and ſupporting the *Hebrews* in poſſeſſion of this Grant, by the ſuperior Power of the one *true* God, in Oppoſition to the Power of all the Idol Gods, their neighbouring heathen Nations worſhipped.

This, if rightly conſidered, will ſhew us, that as it became the *Juſtice* of God to puniſh the *Canaanites* for their Abominations, ſo it

it became the *Wiſdom* and *Goodneſs* of God to puniſh them in this manner, preferable to all others, by a Grant of their Lands to the *Hebrews*, on condition of keeping themſelves from Idolatry; ſo particularly expreſs'd in the *Habendum* and *Reddendum* of the Grant itſelf, as the Reaſons on which it was granted, and the Service by which it was held. God had already tried other Methods of Puniſhment, and they were found in Experience ineffectual. He had deſtroy'd the whole World by a Flood, except *Noah* and his Family, which was preſerv'd to repeople it. He had deſtroy'd *Sodom* and *Gomorrah* in this very Country of *Canaan* by Fire from Heaven. Unfruitful and unhealthy Seaſons, were eaſily interpreted uſual and common Accidents; or, to proceed from the Diſpleaſure of their *Dæmons* or ſome of the Idol Gods they worſhipped, and were to be prevented or removed by ſome of their idolatrous or magical Ceremonies. Such Sorts of Puniſhments in fact, conſidering the Corruption of Men's Minds, and prevailing Idolatry of the Times, were abuſed to give new Strength to Idolatry, rather than to root it out. But when God is pleaſed to give a Commiſſion to a People profeſſing the Worſhip of the only true God, in oppoſition to all Idols, when it ſhould appear that this one true God had granted the Land of *Canaan* to this People, and given them Poſſeſſion of it, with many viſible

Marks of ſupreme Power, and maintain'd them in their Poſſeſſion againſt all the Powers of thoſe Idols in whom the *Canaanites* truſted, or by whoſe Aſſiſtance any other idolatrous Nation hoped to diſpoſſeſs them; you immediately perceive a ſtanding *Confutation* of the Hopes of Idolaters, and a ſtanding *Encouragement* of the Hopes of the *Hebrews*, and of all other Worſhippers of the one true God.

If then it became the Wiſdom and Goodneſs of God to put a ſtop to Idolatry, and to raiſe up a Nation to preſerve the firſt Principle of Religion, the Unity of God, the great Principle of Virtue and moral Goodneſs, of publick and private Happineſs; no Means could have been more agreeable both to Wiſdom and Goodneſs, than to drive the *Canaanites* out of the Land by the *Hebrews*, and to preſerve the *Hebrews* in the Poſſeſſion of that Land which God gave them by a ſpecial Grant, with conſtant evident Marks of Favour and powerful Protection. A juſt and powerful Motive, to perſuade the *Hebrews*, and with them their Neighbour idolatrous Nations, how vain it was to truſt in *Idols*, how wiſe to truſt alone in *Jehovah* the only true God.

Yet ſtill there remains, ſome ſay, an unanſwerable Objection, that ſuch an Example will encourage *Enthuſiaſts* and *Impoſtors*, to invade their Neighbours, to pretend Religion whenever they have a mind to their Eſtates;

Eſtates; and to do the higheſt Acts of Injuſtice, in depriving their Neighbours of their Fortunes, Liberties and Lives. Can God give a Commiſſion that is like to encourage ſo fearful Conſequences as theſe?

Thus the Enemies of Revelation prejudice themſelves, and go about to prejudice others againſt the *Hebrew* Government as not of divine Inſtitution, becauſe not conſiſtent with the divine Wiſdom or Goodneſs, as they believe, or ſay they believe; but if they would have patience to conſider this Matter a little more calmly, they would find all theſe Fears mere Panicks, and the mighty Dangers they pretend to foreſee from the Encouragement of ſuch an Example, are no more than their groundleſs Imaginations or Forgeries of their own Prejudices.

For this Commiſſion to the *Iſraelites*, can give no Encouragement in the leaſt to any enthuſiaſtick *Pretences*; for this Example will allow no *Pretences* at all. It can encourage no Perſons to do any thing by virtue of this Example, but ſuch only who ſhall receive a like *real Commiſſion* from God, and have it as well and as fully *atteſted* as the *Hebrews* had theirs; and wherever this ſhall be the Caſe it cannot be a *Pretence*, for a *Pretence* and a *Reality* are a Contradiction to each other.

This Example then, inſtead of encouraging Pretenders, whether *Enthuſiaſts* or *Impoſtors*, on the contrary gives wiſe and perſuaſive

ſuaſive Cautions againſt all Pretences, without leaving room for any of what Nature or Kind ſoever, requiring all Perſons to give the fulleſt Proof and Evidence of a real Commiſſion, whenever they ſhall undertake to act by any; and that no Perſons are to concur with them, or to aſſiſt them, without *ſatisfactory Evidence to themſelves* of the Truth of their Commiſſion.

This appears evident, in the Care taken to prove the Commiſſion to the *Hebrew* Nation by *Moſes* firſt to the *Iſraelites*, then to *Pharaoh*, and even to the *Canaanites* themſelves, in great Variety of Signs and Wonders in *Egypt*, at the Red-Sea, in the Wilderneſs, at the Siege and taking of *Jericho*, in a viſible Preſence of *Jehovah* for ſo long a time, in the *Shechinah* or Cloud of Glory, in a miraculous Protection of the *Iſraelites*, and Proviſion for them in ſo many repeated Inſtances. Theſe are ſo full, ſo unqueſtionable Evidence of the Truth of their Commiſſion from God, that it can give no Encouragement to Pretenders whoſoever they may be, as all Pretenders muſt come without ſufficient Proof and Evidence; for this Example does not only permit, but it directs Men to examine all Pretences, and to admit none without full Proof and unqueſtionable Vouchers. For when God himſelf did give a Commiſſion to the *Hebrews*, he did not require any to receive it, without ſuch Proof as ſhould leave no reaſonable Doubt concerning

ing the Truth and Reality of ſuch Commiſſion from God. Now, as in the Reaſon of the Thing, no Pretender could ever thus prove a *counterfeit* or forged Commiſſion; ſo, in fact, there never has been a ſingle Inſtance of any one who ever pretended to ſuch Proof as was given by *Moſes*.

How groundleſs then are theſe Fears, how weak and ſilly muſt it be for the ſake of them to tie up the Hands of the Governor of the World from giving any true Commiſſion at all? This would be hardly ſo wiſe as to ſet aſide all Uſe of the Great Seal of *England*, becauſe it is poſſible that it may be counterfeited; for in this Caſe, the Proof required by this Example, is what cannot be ſo counterfeit, but it will be eaſy to diſcover the Fraud.

The Hebrew Government could not tolerate Idolatry.

Now upon theſe Principles how weak, how abſurd muſt it appear, to plead for a Toleration of *Idolatry* in the *Hebrew* Government, that is, for a Toleration of what was abſolutely inconſiſtent with the fundamental Laws and principal Deſign of the Civil Conſtitution? Idolatry, in the *Hebrew* Government, was an Act of *High-Treaſon* againſt the King of *Iſrael*, a direct Denial of his Right and Title, and an actual Proclamation of a Pretender to his Crown. A Government in its Inſtitution deſign'd to put a ſtop to Idolatry, and to preſerve the Knowledge and Worſhip of the one true God, in which all were to hold their Eſtates and

Lands as his Gift, and their Peace and Proſperity by his Protection, on Condition of having no other Gods before him, or ſerving any other Gods beſides him; ſuch a Government could not poſſibly tolerate Idolatry without violating all the Rules of common Senſe, as well as all the Maxims of political Wiſdom.

It deſerves Conſideration, that as the whole Land was a Grant of the one true God, it was moſt equitable he ſhould appoint the Conditions of his own Grant. If any one, whether out of Conſcience, or any other Reaſon, was not willing to accept of it with the Conditions on which it was granted, here was no Harm done; no Man receiv'd any Injury in not having a Share in a Grant to which he had no previous Right, to which he could have no Claim in Juſtice or Equity. It is very wrong to make this in any reſpect a Puniſhment for the Sake of *Conſcience*, either by poſitive Penalties or negative Diſcouragements; it was a direct civil Qualification, that they who held Lands of *Jehovah*, muſt own him and *do Homage* to him as Sovereign Lord of the Fee.

It ſhould be finally obſerv'd, that Idolatry is not an harmleſs Speculation, it is not conſiſtent with the Peace of Society, no Conſcience or Pretence to Conſcience can make Principles of Intemperance, Uncleanneſs, Sins againſt Nature and Murder innocent, ſuch Principles muſt diſturb civil Society; and

and from what has been obſerved before, concerning the great Miſchiefs of Idolatry, it was not only juſt, but becoming the Wiſdom and Goodneſs of God to put a ſtop to it.

CHAP. XIII.

That the Balance of the Hebrew *Government was ſo well fixed, as no one Part had Power by overbearing the reſt to overturn it; that in particular the Conſtitution had taken effectual Care, it could not be in the Power of the* Levites.

THE *States* of the *Hebrew* Government as we have already ſeen, were very wiſely conſtituted for the Liberty of the People, for the Wiſdom of Counſel and Advice, and for a due Execution of what ſhould be reſolved and undertaken for the Protection and Security, the Peace and Proſperity of the Nation. The next Part of political Wiſdom and Prudence will appear by a proper Care, to prevent any ſuch great *Alterations* in the ſeveral Parts of the Government, as might threaten the Conſtitution with Danger.

Here was a Country of great Advantage for Defence by its natural Situation, large enough to maintain a numerous and well-diſciplined Militia, in ſufficient Plenty and Eaſe; animated with the Experience of God's powerful Protection in the Days of their Fathers, and encouraged to hope the ſame Protection of the one true God, to continue them in the Poſſeſſion of his own Grant, as a Nation choſen to put a ſtop to the growing Evils of *Idolatry*. A People who had a fair Property to defend, and Reaſon to deſire the Preſervation of a Government under which they enjoy'd ſo much Happineſs.

But as ambitious and reſtleſs Spirits are the Growth of all Ages and all Places, every Conſtitution, however wiſely formed, muſt be in ſome danger from Men who are ſeeking their own private Advantage often in the Confuſion, often in the Ruin of the Laws and Liberties of their Country.

It is not to be wonder'd at, that in fact the *Hebrew* Government ſhould be ſubject to ſome Alterations and Corruptions of its Conſtitution as every Government in the World is, and muſt be, ſo long as the Adminiſtration of all Governments muſt be in the Hands of Men, liable to Corruption. The *Hebrew* Hiſtory ſhews in fact ſeveral Alterations, as in the Occaſional *Judges* after *Joſhua*, the Change of *Judges* into *Kings*, at the Election of *Saul*, and the Form of Government introduced among the

Jews

Jews after the *Captivity*, which ſoon grew into that State which Mr. *Harrington** well calls the *cabbaliſtical* Commonwealth, in which Form the chief Authority reſided in the *Talmudical Sanhedrim* and great *Synagogue*; but neither the Nature nor the Reaſons of theſe Alterations are within my Enquiry, which is only to explain and vindicate the Wiſdom of the original Conſtitution by *Moſes*.

I would only make one Remark, that all theſe *Alterations*, great as they were, were nothing near ſo great as the moſt celebrated Governments of *Greece* and *Rome* underwent in a much leſs ſpace of Time. One hundred Years of the *Roman* Hiſtory, tho' of a People ſo renown'd for Wiſdom, ſo warm for Liberty, ſo jealous of every thing that ſeem'd to threaten it, will yet ſhew greater Alterations in their Government, more fatal to the Peace and Liberties of that Nation, than the whole fifteen hundred Years of the *Hebrew* Hiſtory can.

Though the beſt Proviſions of political Wiſdom cannot prevent all Alterations, it however ſhews the great Wiſdom of a Conſtitution, where the Proviſions made to prevent them are beſt fitted to obtain ſo deſirable an End. As this may juſtly recommend the Wiſdom of the *Hebrew* Conſtitution, ſo it ſhould ſilence with Shame the unfair and unrighteous Reflections ſome

* Harrington Com. Iſrael, c. v.

ſome have caſt upon it, " as if founded " on ambitious Deſigns, and calculated to " draw all the Wealth and Power of the " *Hebrew* Nation into the Hands of the " Prieſts." When, on the contrary, the Conſtitution has taken the wiſeſt Care that it ſhould not be in the Power of any one Part of the Nation, leaſt of all in the Power of the Prieſts, either to invade the Property or oppreſs the Liberties of any Part of the Nation.

Care and Proviſion in the Hebrew *Government to prevent Factions.*

There are two principal Methods of preventing the Evils of *Ambition*, either to take away the uſual Occaſions of ambitious Views and Deſigns, or to make the Execution of them difficult and impracticable. The *Hebrew* Conſtitution has made both theſe Proviſions in a manner equal, I think I may boldly ſay, to any known Conſtitution of Government in the World.

The very Foundation of the *Hebrew* Conſtitution, was an equal *Diviſion* of the Land, the Continuance of which was ſecured by a fundamental Law, which made that Diviſion perpetual, as no Eſtate could be alienated or paſs from one Tribe or Family to another. The Laws had further provided, that no *Intereſt* could be made of Money; ſo that had a Man never ſo much Money he could make no Profit of it, either by *Purchaſe* or *Intereſt*. All Places of Power, whether in their Courts of *Juſtice*, or *Commands* in their Armies, were not Places of Profit too,

too, at leaſt of ſo very ſmall Profit as to be worth next to nothing at all; and theſe very Places were moreover, if of any Eminency, ſo fixed to *Heads* of Families and *Princes* of Tribes, that all Ambition of canvaſſing for them muſt be very much prevented, by ſtriking in great meaſure at the very Root of ſuch Ambitions in taking away the common and uſual Occaſions of them; for the Conſtitution had made the Places in that Government rather Places of *Burthen* than of *Profit*, and had left very few, if any Competitors, for moſt of the principal of them. What room was there for reſtleſs and ambitious Spirits, to form Parties or *Factions*, or to attempt to miſlead a *Tribe* or the Nation into falſe Meaſures for their own private Advantage, when there was ſo little Power, ſo little Profit to be got; and ſo few were allow'd to be Competitors, that it could hardly be worth any Man's while to give himſelf any Trouble, or to run any Hazard in attempting it. So wiſe Proviſion was made for the Peace of *Cities*, *Tribes* and the whole *Nation*, as there was no Encouragement for any ambitious Deſigns that might diſturb it.

It is obſervable, this Proviſion is moſt particular and effectual to prevent any Deſigns of Ambition or Covetouſneſs in the *Prieſts*. For the Conſtitution had expreſsly made a perpetual *Mortmain*, ſo that they could not have any Increaſe of Property in Land, by any

any Title whatſoever, either of *Gift* or *Purchaſe*, and any occaſional Gifts of Money muſt be very ſmall in a Country where there was ſo little, and it could be no Increaſe of yearly Revenue, as it could not be laid out to any Intereſt. And as to Places of any conſiderable Power, they were excluded from them by the Conſtitution; they could neither be *Heads* of the Families nor *Princes* of the Tribes in which they lived, for theſe Offices were in the *Families* of the Tribes themſelves, excluſive of all Families or Perſons of other Tribes; nor were they to be employed in military Commands, but appointed for the Service of the Tabernacle; there was then no room for the *Levites* and Prieſts in any Places of the *Hebrew* Government, except in their Courts of *Juſtice*. Their Leiſure and Knowledge in the Laws made it proper there ſhould be ſome Prieſts or *Levites* to aſſiſt in them; but theſe Offices were attended with ſo little *Profit*, *if with any at all*, they were attended with ſo little *Power* and Authority, and ſhared among ſo many beſides the *Levites*, that moſt certainly theſe could draw very little of the Power or Riches of the Nation into their Hands. According to the foregoing Account, the *Levites* were not *ſole* Judges in any Court of Juſtice, they were a ſmall Number among many others, they were a very ſmall Part, if any, of the Congregations or popular Aſſemblies, whether of the *Cities*, of the

the *Tribes*, or of all *Iſrael*. They made a very ſmall Part of the *Senates*, whether provincial or national; and therefore could have very little Encouragement to canvaſs by Party or Faction, what was ſo little worth when they had obtained it.

As to the particular Intereſts of the Prieſts and *Levites* as a Tribe, they muſt direct them not only to avoid all Ambitions themſelves, which might diſturb the Peace of the *Hebrew* Nation, or of any of the particular Tribes, but to take all Care, as far as they could, to prevent all ſuch Ambitions in others, becauſe they muſt ſuffer by every Diſturbance. They could have no Hope of Gain from any; and when every Diſturbance was like to diminiſh the Tithe, either in the natural Produce or regular Payment, this muſt diminiſh the proper Revenue of the *Levites*, leſſen their Fund, and ſo their yearly *Dividend*. What Encouragement then could a Prieſt have to diſturb the Peace of his Country, when he could have no Proſpect of Gain, and had a ſure Proſpect of Loſs; when their Eſtates and the Proviſion for their whole Livelihood were of ſuch nature, that they could not be better'd, but were ſure to be made worſe by every Diſturbance of the State?

I ſhall add one general Remark further, on the near Equality of the whole *Hebrew* Nation, in Eſtate. As the Conſtitution put a bar to great Riches, and made ſuch Proviſion

viſion for the natural Conveniences of Life, that very few could be in great Want or Poverty; this ſerved to diminiſh greatly the Temptations of *Luxury*, *Pride* and *Envy*, nor were there any ſo neceſſitous as to ſeek *Relief* for their private Wants and Miſery, in the publick Confuſion and Diſorders of their Country. How much do theſe Proviſions of the *Hebrew* Government, to prevent the Occaſions of Faction, excel all the Conſtitutions of the fam'd *Spartan* Lawgiver for the ſame Purpoſe, ſo much celebrated by the admired *Grecian* Authors? Nor would theſe Conſtitutions have miſs'd their Praiſe, if they had been publiſhed by a *Lycurgus*, a *Solon*, or a *Numa*; or indeed by any body but *Moſes*.

Attempts of Ambition and Faction made very difficult, almoſt impracticable.

The Wiſdom of this Conſtitution went ſtill further, to make all ambitious and factious Attempts ſo very difficult, ſo unlikely to ſucceed, as to be next to impracticable: A great Diſcouragement to the making any ſuch Attempts. The particular Powers of each Part of this Government, were ſo *balanced* by the Powers of other Parts, that without the Concurrence of all it was hardly practicable for any one Part to draw to themſelves any ſhare of Property, Wealth, or Power, from the other Parts; and it was as hard and impracticable to obtain their Concurrence, to the Ruin of their own Property and Liberty. Let any Man but juſt conſider the Plan of this Government in general, and let

let him ſay in what way it was practicable for any *Perſon*, *Tribe*, *Court* or *Magiſtrate*, to invade the Property of his Country-men or Liberties of his Country. The *Tribes* were independent of each other, ſo that the Ambition of any Man in any Tribe could only affect the Peace of his own Tribe; and there were the Powers of the provincial *Congregation*, *Senate* and *Prince* of the Tribe, to prevent even any ſuch Attempt as that. Yet if that would not do, and if a Man might be ſuppoſed to have gained over to his Intereſts the People, Elders and Prince of his Tribe, or at leaſt a ſufficient Party among them to conſent to their own undoing, there ſtill remained the *other* Tribes, all independent Governments as well as his own Tribe, and none of them like to make a Surrender tamely of their *Sovereignty* and *Independency* to any one Tribe. There were ſtill the *national* Congregation, the national Senate, the Judge, and the Oracle; all which muſt be impoſed upon, or forced to a Compliance, or the whole Force of the Nation would ſoon put an end to a provincial Rebellion.

But indeed what Man could be ſo ſanguine as to think it practicable to make ſuch a Party in his own Tribe, as to be dangerous to the Liberties even of that particular Tribe. *Bribery* and Corruption could have very little Influence where all were in near equal Circumſtances, where none by conſequence were able to bribe any conſiderable Number, and

where all had a Property near as good as any other Perſon of their Family or Tribe.

But ſuppoſe, if you pleaſe, this ambitious Man one of *chiefeſt* Power and Command in the Tribe, let him be Head of a chief Family or Prince of his Tribe; what could any Head of a Family do without the Concurrence of the other Heads of Families and the Prince of his Tribe, whoſe Power and Authority his Ambition muſt be ſuppoſed to be drawing out of their Hands into his own? Suppoſe him Prince of the Tribe, and ſo of greateſt Power and Authority, if he ſhould attempt to carry that Power and Authority beyond the Laws of the Conſtitution, he muſt invade the Powers and Authority of the Heads of Families and inferior Commanders, without whoſe Conſent it was not practicable to do any thing. And is it conceivable, that theſe Heads of Families would not be attentive to their own Rights, and be alarm'd as ſoon as ever they perceived a Deſign upon them? The Princes of the Tribes, though Generals of the Militia and Preſidents of the Council of War within their own Province, yet did not appoint any of the Officers under them; the Heads of Families commanded their Families, as the Princes did the Tribes, and were always able by virtue of their own Commands in the Army of the Tribe, to prevent the Execution of any Deſigns againſt their own Rights. Moreover, in any ſuch Caſe they might expect to

be ſupported by the united Force of the whole Nation; for nothing can be more improbable than to imagine that the other Tribes, the national Senate, or the Judge, ſhould all give in to the private Ambition of any one ſingle Man to invade the Liberties of one of the Tribes of *Iſrael*, and thereby withdraw it from the Union of the whole Nation, from the Obedience due to the States-General of the united Tribes, and encourage like dangerous Attempts againſt the Liberties of every other of the Tribes in its turn.

What appears thus impracticable in any one of the Tribes ſeverally, will appear yet more impracticable if attempted by any *Magiſtrates* of the Union. An Attempt by the Congregation of all *Iſrael* ſeems hardly within the Queſtion. None can well ſuppoſe an whole Nation in a Plot, to give away their own Wealth, Liberty and Power into other Men's Hands, be they who they will, Prieſts or Lay-men. The national Senate conſiſted of all the Nobles of *Iſrael*, Princes of Tribes, and Heads of Families, as well as the ſeventy Elders choſen for their Underſtanding in the Laws and their Wiſdom for Counſel. Now it is inconceivable how this Court, call it Sanhedrim, Senate, Privy Council, or what you will, ſhould practiſe any thing againſt the Property, Liberties or Wealth of the Nation, when every thing of moment reſolved in it muſt be propoſed to the Congregation of

Iſrael for its Conſent, and muſt be afterwards put into Execution, if Force was neceſſary, by the Arms of the ſaid Congregation, as the only Army of *Iſrael*; who, tho' indeed as an Army, they were to be commanded by their Heads of Families and Princes of Tribes, yet they were in no ſervile Dependance upon them. They did not hold their Lands of them as *Vaſſals*, or even as *Tenants*; they were all of them *Freeholders*, and held of *Jehovah*, or immediately of the Crown. They owed the Heads of their Families and Princes of their Tribes no other Services but military Obedience, and that only in ſuch things, and as far as the Conſtitution directed. Hence it appears to have been in the Power of the Congregation, as one of the States of the *Hebrew* Parliament, and as the only Army of the *Hebrew* Nation, to prevent the Senate from carrying any Point in the national Council or States-General of the united Tribes; becauſe it muſt have their Conſent, and to prevent any Reſolution from being carried into Execution, that might have been fraudulently obtained, in Prejudice to the Property or Liberties of the People, becauſe it muſt be executed by their Force.

If you ſuppoſe any ſuch Attempt to be made by the Judge whoſe Power and Authority were very conſiderable, he being Commander in chief of the Hoſts of *Iſrael*, and in whoſe Hands the executive Powers

of

of Government were principally lodged; yet there was ſo great care taken to prevent any Danger from his Power to the Liberties of the Nation, that you may perceive it was not in his Power to hurt them; for he was not entruſted with an arbitrary Power, he was ſtrictly to follow the Directions of the Law, for which End he was to act according to the Advice of the national Council or Senate; and in Matters of greater Importance, he was to have the Conſent of the Congregation, and Approbation of the Oracle. Nor could the Judge execute any thing at any time, but by an Army; of which both Soldiers and Officers were Members of the national Congregation or national Senate. An Army ſure, very unlikely and improper to be employed in invading or trampling on the Liberties of the Senate or People of *Iſrael*.

Perhaps ſome will yet pretend Danger from the *High-Prieſt*, as he was appointed to conſult the Oracle; but what has been obſerved concerning the Oracle, and the manner in which it was conſulted by the High-Prieſt, ſhews, I think moſt evidently, that the High-Prieſt could no ways endanger the Liberties of the Nation, or draw the Wealth of it to the Prieſthood, by any poſſible Uſe to be made of the *Oracle*. For the High-Prieſt was only to aſk Counſel of the Oracle, when he was ſo directed. The Oracle itſelf gave no Anſwer but to a Queſtion

ſtion agreed upon before, and put into the Hands of the High-Prieſt to aſk. The High-Prieſt could form no Queſtion himſelf, or aſk any Queſtion of his own; nor could he impoſe an Anſwer on thoſe who conſulted the Oracle by him. Yet if you will ſuppoſe after all, the High-Prieſt might on ſome occaſions have managed things ſo dexterouſly, as to have publiſh'd an Oracle in favour of the Prieſthood, of their Power and Wealth, of which there is not ſo much as a Pretence of one ſingle Inſtance in the whole *Hebrew* Hiſtory, what would the Prieſts have gain'd by it? This would have been beginning at the wrong End, it would be like declaring the Royal Aſſent to an Act that had paſſed neither of the Houſes; and muſt, like the Laws of the *Hebrew* Conſtitution, be propoſed to the Senate and Congregation for their Conſent. So that ſuch Conſtitutions, if poſſible to be founded on the pretended Authority of an Oracle, muſt be receiv'd and executed by this general Conſent of the whole Nation.

But of all theſe imaginary or forged Fears, none are more ridiculouſly abſurd than the Pannick from the Attempts of the *Levites*, That they ſhould be in a Plot againſt the Liberties of their Country, and be able to draw all the Power and Wealth of the whole Nation into their own Hands.

What

What the Conſtitution appointed for the *Levites* was the *Tithe*, which, all things conſidered, and their own Share of Land which they gave to the Publick deducted, was very moderate. A fundamental Law of the Conſtitution made the *Levites* incapable of any Acceſſion of Revenue, as all Eſtates in Land were unalienable, and all Intereſt on Money forbid by Law. So that it was not poſſible for them to attempt any thing, but either by the Repeal of a Law declared in the Conſtitution unalterable, or by Force of Arms, both of them moſt chimerical and impracticable Projects.

The *Levites* had ſo little ſhare in the States, whether provincial or national, that if a Power of repealing and making new Laws had been veſted in thoſe Aſſemblies, the *Levites* could have had neither Numbers nor Authority to carry any Law in their own Favour againſt the Intereſts of the reſt of the Nation.

If they are conſidered in the particular Tribes to which they belong, for they are reckoned to belong to that Tribe where the City of their Habitation was; ſo you have mention *of a young Man out of Bethlem-Judah, of the Family of Judah, who was a Levite:* Thus conſidered, you will ſee they are ſo very ſmall a Number, in compariſon of the other Inhabitants of the Tribe, that they could not hope to carry any Que- Judges xvii. 7.

ſtion againſt them, in any Aſſembly; eſpecially conſidering further, that the principle Power and Authority of every Tribe muſt be in other Hands. The *Levites* could never be Princes of Tribes, or Heads of Families; nor is it certain, that the *Levites* had any ſhare in the provincial Senates or Councils of the Tribes at all. It is likely they were confined to the *Magiſtracies* of their own Cities, and of their own Families, who inhabited them. As they were free from military Services, they ſeem in like manner free from Summons by the ſuperior Officers, and ſo from Attendance on the Princes of the Tribes in their provincial Aſſemblies, except ſome few of them ſhould aſſiſt in their Courts on account of their better Underſtanding in the Laws; but theſe, as ſome have obſerv'd with good Reaſon, ſeem rather to be placed in the Offices of Scribes, Secretaries, or Recorders, than of Aldermen or Senators. The ſame may be obſerved as to their Seſſion, Vote and Authority in the national Councils, or States-General of the united Tribes.

But whatever Power the *Levites* had, whatever their Authority was, ſuppoſe it more or leſs, it could not reach to the Alteration of the Conſtitution in their favour any manner of way; for it was not in the Power of any provincial Aſſembly, not in the Power of a national Aſſembly, if the *Levites* could be ſuppoſed to govern them all

all abſolutely, either to repeal any Law in being that was a Bar to their Ambition, as the univerſal Mortmain or the Prohibition of Intereſt, or to procure any new Law to be enacted in their Favour, that might make way for any Attempts againſt the Liberties of their Country.

If you can ſuppoſe the *Levites* making any ſuch Attempts by Mutiny and Force, you may perceive all ſuch Attempts manifeſtly impracticable. The *Levites* were a few Perſons in the midſt of a great Number of *Iſraelites*; they were themſelves without Arms, never train'd to Diſcipline, not having one Perſon of military Skill to lead them, but ſurrounded by Perſons in Numbers, above ten to one armed and inſtructed in military Diſcipline, fully officer'd, and ready at a Day's Warning to ſuppreſs any Mutiny or rebellious Inſurrection.

So that to ſuppoſe it was in the Power of the *Levites* to diſturb the Peace, or endanger the Liberties of their Country, or to draw the Power and Wealth of the Nation into their own Hands, eſpecially that it was artfully, that is, *knaviſhly* deſign'd by the Conſtitution it ſhould be ſo, is a groundleſs Imagination; and ſo incredible a Fiction, that whoever can hope to impoſe it on the World muſt firſt have a moſt contemptible Opinion of it, for Ignorance and Stupidity.

In

In fact, there does not appear any one Inſtance in the whole *Hebrew* Hiſtory for ſo many hundred Years of any ſuch Deſign in the *Levites*, or of the Succeſs of the Prieſts in any one ſuch Project. There were conſiderable Alterations in the *Hebrew* Government, for want of keeping ſtrictly to the *original* Conſtitution. As the *Hebrews* choſe no Judge to ſucceed *Joſhua*, or Elders in the room of the Elders of his Council, the natural Conſequence was a ſort of *Anarchy*, or occaſional Judges, with Authority only in ſome of the Tribes. This made the People deſire a King, to reſtore in ſome meaſure the national Union, and to unite the national Force. This Kingdom was in a few Years divided into two, by which the original Conſtitution was ſo altered, and the national Force ſo weakened, that both became more expos'd to the Invaſions of their powerful Neighbours the Kings of *Egypt*, *Aſſyria* and *Babylon*, and ſuffered much from them, as was naturally to be expected from their Diviſions and Animoſities; but where is it to be found that the Prieſts or *Levites* were the Authors of any of theſe Alterations? Where does it appear the Prieſts or *Levites* got any Advantages by any of theſe Alterations? Where are the new Conſtitutions to be found in favour of the Prieſts and *Levites*, whereby they had any Acceſſion either of Power or Wealth; or, where is the Appearance

pearance of it in any one Inſtance of the *Hebrew* Hiſtory? It was not the Artifice of the Prieſts and *Samuel*, it was the Importunity of the People that ſaid, *Make us a King to judge us like all the Nations? for the thing diſpleaſed Samuel*, or he did not approve of ſuch an Alteration of the original Conſtitution. In the Government of *Saul* the firſt King, the Power and Influence of the *Levites* was ſo low that they could not prevent a *Maſſacre*, and putting all the Inhabitants of the City of *Nob* to the Sword; nor were they in Condition to reſent, or revenge it. There was no Commotion, not the leaſt national Diſturbance upon it, and *Abiathar* was fain to fly to *David* for Safety; who, himſelf was in the greateſt Danger, hiding himſelf ſometimes in one Wilderneſs, ſometimes in another, and had only about ſix hundred Men with him; nor does it appear, there was any Conſtitution made on *David*'s Acceſſion, to the particular Advantage of the Prieſts.

1 Samuel viii. 5, 6.

1 Samuel xxii. 18, 19.

The Revolution under *Jeroboam* was ſo far from being of any Advantage to the Prieſts and *Levites*, that it was a fatal Blow to their legal Rights and Intereſts. They loſt above three Quarters of their Revenue, beſides the Office and Dignity of Prieſts, in the Cities of *Iſrael*. Sure the Prieſts were very unſkilful and unlucky Politicians, to make way by *Jeroboam*'s Revolution for the

1 Kings xii. 31. the *Calves of Dan and Bethel*, for Prieſts of the loweſt of the People, who were not of the Sons of *Levi*, to deprive them of ſo large a Part of their Subſtance; Conſequences eaſy to be foreſeen in ſuch an Alteration of the Government, and which, if the Prieſts and *Levites* had common Senſe, they muſt have uſed all their Intereſt to prevent, inſtead of having any hand in the Contrivance or Execution of it.

So contrary to all Reaſon, ſo contrary to all hiſtorical Truth of Facts, is it to ſuppoſe, that the *Hebrew* Conſtitution was contrived partially to favour the particular Intereſt of the *Levites*, or to draw the Power or Wealth of the *Hebrew* Nation into their Hands.

CHAP.

CHAP. XIV.

That Obedience to the General States of the National Union, in whom the Tribes, though ſeparate and independent Provinces, were united into one Government, was eſſential to the Hebrew *Conſtitution; that to diſobey and oppoſe their Orders, was a very dangerous Act of High-Treaſon.*

ALL wiſe Governments have made every Act of *High-Treaſon* a Capital Crime, and have juſtly accounted it one of the moſt dangerous Offences that can be committed. It is not only an Injury to one Man, or to a few private Perſons; but it is an Inquiry to the whole Society, to the Peace and Order of the Government, on which the Property, the Liberty, the Happineſs, and even the Lives of every one of the Society muſt depend. Treaſon is defined to be an Offence committed againſt the Security of the King or Kingdom; according to the *Roman* Law, every Attempt againſt the Emperor or Commonwealth was Treaſon *. By our Laws a Man

* Lex Julia Majeſtatis, quæ in eos, qui contra Imperatorem vel Rempublicam aliquid moliti ſunt, ſuum vigorem extendit. *Inſtitut. l.* iv. *Tit* xviii. §. 3.

Man commits High-Treaſon by counterfeiting the Coin, or the Great Seal, by killing a Chancellor, Treaſurer or Judge, in the Execution of their Office; by adhering to the King's Enemies, by levying War as well as by compaſſing and imagining the Death of the King. So that all Offences which directly tend to overthrow what is neceſſary to the Safety and Authority of the Government, eſpecially if they appear in *overt* Acts of forcible Oppoſition to it, are ranked among the moſt heinous Crimes, and which in Juſtice and Wiſdom deſerve the ſevereſt Puniſhment. No wonder the *Hebrew* Government ſhould take care to ſecure its Authority in the ſame manner all wiſe Governments have ever done; nor is it to be wonder'd at, that therefore there ſhould be ſevere Penalties in the *Hebrew Laws* for ſuch Offences, or Examples in the *Hebrew* Hiſtory of ſevere Puniſhments inflicted on ſuch Offenders.

What High-Treaſon in the Hebrew *Government.*

Among the *Hebrews* the *Majeſtas Imperii*, the Authority of Government, was in the firſt place to be conſider'd in *Jehovah* himſelf as King of *Iſrael*; therefore whatever overt Act amounted to a Denial of his Right and Authority, as King of *Iſrael*, whatever amounted to compaſſing and endeavouring to depoſe him, was the higheſt Sort of Treaſon in that Government, as what is committed againſt the Security of the King, is according to our Law, and what was attempted againſt

againſt the Emperor, was according to the *Roman* Law, and what deſerved the ſevereſt Puniſhment according to both.

But the Authority of Government is to be conſidered next, in the Perſons to whom the Execution of the Laws and Juſtice is committed by the Conſtitution. Theſe, in the *Hebrew* Government, were principally the Judge, the national Senate, and the Congregation of all *Iſrael*. To oppoſe then and reſiſt their Authority, eſpecially in the Execution of their proper Offices, as the national States, to levy War againſt them, was in their Conſtitution a greater Offence, than in ours to kill a Chancellor, Treaſurer or Judge, in the Execution of their Office, as great as to levy War againſt the King, to hinder and oppoſe the Execution of Juſtice.

One would think there is little need to vindicate the Wiſdom of Laws againſt High-Treaſon, or the Juſtice of ſevere Puniſhments for ſo heinous Offences; yet ſo it is, the *Hebrew* Government is treated with uncommon Severity on this Account. Our moral Philoſopher tells us, that "the Deciſion of "the Oracle, in the Caſe of the *Levite*, "was without the leaſt Truth, natural Ho-"nour, or common Juſtice.——— That it "is evident here the Oracle was neither in-"fallible nor impeccable; ſo far from it, "that he encouraged and prompted the "People to the moſt bloody and cruel Out-"rage that had ever been known or heard

"of;

" of; and an Injury done to a ſingle *Levite* " was thought fit to be revenged by cutting " off an whole Tribe, Root and Branch, " without any Regard to natural Juſtice, or the " leaſt Bowels of Mercy or Compaſſion.----- " That not leſs than three hundred thouſand " Lives or Souls were ſacrificed upon this " Quarrel, relating to a *Levite* and his " Whore*." — And finally, "that by adding " one Wickedneſs to another, they finiſhed " the moſt perfect Piece of Malice, Revenge " and Villany, in the Name of the Lord†."

Witchcraft an Act of Idolatry, and therefore High-Treaſon in the Hebrew *Government.*

We have many Objections more general, cenſuring the Laws againſt Idolaters, Diviners, Witches, and ſuch like Offenders, as unjuſt and cruel, and even contrary to the natural Rights of Conſcience: or, as one thinks fit to expreſs it, " deſtroying Men on the Account " of Religion and Conſcience ‡."

We have ſeen before, it became the Wiſdom and Goodneſs of God to put a ſtop to Idolatry, and the great Miſchiefs which were the common and natural Effects of it; that this was the great Deſign of the Inſtitution of the *Hebrew* Government; ſo that to tolerate Idolatry in this Government muſt violate all the Rules of common Senſe, as well as the Maxims of political Wiſdom. Now all manner of *Witchcrafts*, *Sorceries*, *Divinations*, or Pretences to either of them, were an

* Moral Philoſ. Vol. I. 273, 280.
† Ibid. 278.
‡ Ibid. 304.

an open Profeſſion and Practice of Idolatry. For they pretended to a Knowledge and a Power of doing things, above human, in virtue of ſupernatural Powers receiv'd from the *Idols*, with whom they were ſuppoſed to have an immediate and intimate Commerce. Now the very Profeſſion of having received ſuch ſupernatural Powers from Idols, was an *overt* Act of Idolatry, that is, of *High-Treaſon*, in the *Hebrew* Government; for whether ſuch Declaration was really true or falſe in itſelf, ſtill the Treaſon was the ſame; for it openly denied *Jehovah* to be the one true God, as it aſſerted the Power of Idols; it was compaſſing to depoſe *Jehovah*, as King of *Iſrael*, by aſſerting the Authority of other Gods before him. No wonder then it was one of the Laws of the *Hebrew* Government, *Thou ſhalt not ſuffer a Witch to live.* Foraſmuch as all Witches, whether real or pretended, did openly profeſs and practiſe Idolatry. I think this ſingle Obſervation ſufficient to juſtify the Wiſdom of theſe Laws againſt a Practice of *Idolatry*, and which was ſo very likely to corrupt weak Minds, eagerly fond of knowing Things to come, and the greater Part by far of every Nation in the World. Let others make good the Religion and Conſcience of Witchcraft.

Exodus xxii. 18.

But as great Pains have been taken to miſrepreſent the Caſe of the *Benjamite Rebellion*, and to render the Oracle itſelf odious,

Caſe of the Benjamite *Rebellion.*

as encouraging and prompting the People to the moſt bloody and cruel Outrage that had ever been known or heard of, let it be conſidered a little more diſtinctly.

Let us take the true State of this Caſe from the *Hebrew* Hiſtory itſelf, which is thus: *It came to paſs in thoſe Days, when there was no King in Iſrael, that there was a certain Levite ſojourning on the Side of Mount Ephraim, who took to him a Concubine out of Bethlehem-Judah; and his Concubine played the Whore againſt him, and went away from him unto her Father's Houſe in Bethlehem-Judah; and her Huſband aroſe and went after her, to ſpeak friendly to her, and to bring her again; and his Father-in-Law, the Damſel's Father, retained him,* and treated him kindly for ſeveral Days; ſo that a full Reconciliation was made between the *Levite* and his Concubine, or Wife, for ſo it will preſently appear ſhe really was. Returning home, they came to *Gibeah*, a City of *Benjamin*, where they met with leſs Hoſpitality and Kindneſs than was uſual in thoſe Times among Strangers, and than what might have been juſtly expected from one *Iſraelite* to another. Nor did they expect any other Kindneſs from the Men of *Gibeah*, than what was commonly ſhewn to every Traveller, in a Country where there were no publick Houſes of Entertainment. They brought their Proviſion with them, and only wanted

Judg. xix. 1, 2, 3, 4.

a Lodging, that they might not be forced to remain all Night in the publick Streets of the City. At length they were received into the Houſe of one who was alſo of Mount *Ephraim*; but ſoon the Houſe was beſet with a Deſign to commit a moſt villainous Outrage in Violation of all the Rights of Juſtice and Humanity, as well as one of the moſt abominable Crimes, the Sin againſt Nature. They actually proceeded ſo far in their Wickedneſs and Villany, as to abuſe the *Levite*'s Wife, in ſuch manner that ſhe died in a few Hours. The *Levite* ſo highly injured complains publickly of it; and all who heard his Complaint, were ſenſible of his Injury. *For all who ſaw it, ſaid, there was no ſuch Deed done nor ſeen, from the Day that the Children of Iſrael came up out of the Land of Egypt unto this Day.* They all eſteemed it a Crime not fit to be paſſed over in ſilence. Judg. xix. 30.

Hereupon the *Congregation of Iſrael was gathered together . . . . . And the chief of all the People, even of all the Tribes of Iſrael, preſented themſelves in the Aſſembly of the People of God.* So that here was a Meeting of the General States, the Senate and People of *Iſrael*, and the high *national* Court of the *Hebrews*. They examine into the Facts, and ſend to the Tribe of *Benjamin*, to learn what Anſwer they had to make for themſelves, or to deliver up the Criminals to Juſtice; *but the Children of* xx. 1, 2, 3. 13, 14.

Benjamin would not hearken to their Voice —— but gathered themſelves together out of the Cities unto Gibeah, to go out to Battle againſt the Children of Iſrael. Inſtead of appearing in the Aſſembly of *Iſrael*, as one of the Tribes, or giving any Satisfaction to the high national Court aſſembled to enquire into this Affair, they reſolved neither to make any Excuſe, or give the States of *Iſrael* any Satisfaction, or to pay any Regard to the Authority of their Summons; but reſolved to defend the Inhabitants of *Gibeah* right or wrong againſt the national Authority and Juſtice of all *Iſrael*, the Senate and People being now aſſembled in full Parliament. They carry their Point ſo far, as to levy War, and march twenty-ſix thouſand Men to protect the Offenders from publick Juſtice. This brought on the *Civil War*, which ended in the Ruin of the City of *Gibeah*, and almoſt in the Deſtruction of the Tribe of *Benjamin*.

This is the plain Account of the whole Matter, as reported in the *Hebrew* Hiſtory itſelf. A few obvious Reflections will ſet it in a true Light.

It is really of no great Conſequence in this Queſtion, what the *perſonal* and moral Characters of this *Levite* and his Concubine either truly were or are ſuppoſed to be. If "he was a drunken *Levite*, and if ſhe was "an Whore," as our Moral Philoſopher very freely calls them both, it might have juſtified the

the Magiſtrates of *Gibeah*, in puniſhing them according to Law; but ſure it could be no Juſtification for a riotous Mob to break open Houſes, to make an Attempt of *Sodomy*, and to commit Adultery, Rape and Murder. Is it not wonderful *Morality*, to excuſe as far as poſſible, ſuch unheard-of Wickedneſs, and endeavour, by moſt uncharitable Inſinuations, without the leaſt Foundation of Proof, to caſt all the Blame upon a poor *Levite* and his Wife? For ſo ſhe was, how free ſoever our moral Philoſopher makes with her Character, to call her ſo often an Whore. Concubines, with the *Hebrews*, were lawful Wives, and differed from other Wives only in Dower or Jointure. "Certain it is," as Biſhop *Patrick* obſerves, "ſuch Perſons were "really Wives; and it was Adultery in any "other Perſon that lay with them, but they "who had married them." It has been obſerved to this Purpoſe by the moſt eminent and ſkilful Author, in the Underſtanding and Knowledge of the *Hebrew* Cuſtoms and Laws, "That no private Perſon could "have a Concubine, but on two Conditions, "that ſhe was an *Hebrew*, and that he mar-"ried her*."

In this Caſe, the Hiſtory itſelf plainly makes our *Levite*'s Concubine his Wife; for *he* is

 expreſsly

* Homo privatus autem primo non poteſt Concubinam ſumere, niſi ſit ancilla Hebræa, & deinde ſemper Deſponſationem adhibere debet. *Maim. Halac. Melac. c.* 4 *Otho Lex Rabbin. V. Concubinæ.*

Judg. xix. 3, 4. expreſsly called *her Huſband*, and her Father is as expreſsly called *his Father-in-Law*. So that ſhe was his Wife properly and in the ſtricteſt Senſe, according to Law.

2. But it is not ſaid in the Hiſtory itſelf, *his Concubine played the Whore againſt him*. It is ſo ſaid indeed in our Tranſlation. It had been decent in a *Moral Philoſopher* however, to have ſeen how far the Tranſlation of an *Hebrew* Word may be depended upon, before he made it the ſole Foundation of ſo heavy a Charge, "That it was plain from "the Story itſelf, that the Woman before "her Elopement had been a common "Whore*." Now any one, without any great Knowledge of the *Hebrew* Language, might have known at leaſt, that it is not plain from the Story itſelf: for Biſhop *Patrick*, whom every *Engliſh* Reader who pleaſes, may conſult, obſerves, "There are thoſe, who by "the Word *Tiſneh*, which we tranſlate *played* "*the Whore*, will have no more meant, but "that ſhe was froward, and contumaciouſly "diſobedient; ſo that ſhe could not endure "his Company, but forſook him†." So that according to theſe, our Tranſlators ſhould not have render'd it ſhe *played the Whore againſt him*; but that ſhe *eloped* from him, out of ill Humour: And the Perſons who are of this Opinion, are the moſt eminent for their Knowledge of the *Hebrew* Language and Hiſtory, the

* Moral Philoſ I. 275.

† *Patrick* on the Place.

the *Chaldee* Paraphraſt, the LXX or ancient *Greek* Tranſlation, the eminent *Hebrew* Hiſtorian *Joſephus*, and the vulgar *Latin*. But enough of a Circumſtance, which would be of little Conſequence to the Merits of the Cauſe, if it was as certain and evident, as it is uncertain and groundleſs.

Let us come to what is more material.

As far as it appears in the Hiſtory, there was no Miſ-behaviour, either in the *Levite*, or his *Wife*; it is therefore unrighteous to charge them with any on mere Suſpicion, without any Proof. But many of the moſt abominable Crimes are expreſsly charged on the Inhabitants of *Gibeah*, their Attempt on Strangers and Travellers was an high Violation of the Laws of *Hoſpitality* and Humanity, and a riotous Breach of the Peace. It was moreover a Breach and Violation of the common *Rights* of all the Tribes, to a ſafe Paſſage through the whole Country. It was not only an Injury to private Perſons, but to the Tribes of *Judah* and *Ephraim*, to which the *Levite* and his Wife belonged; and ſo to all the Tribes, as it might be the Caſe of any of them. It quite miſtakes the Caſe, or miſrepreſents it, to make it only the Concern of a private *Levite*; for *Levite*, or no *Levite*, the Injury was the ſame. Any Man of *Judah*, *Ephraim*, or any other Tribe, could have no Security of travelling ſafely any where, if ſuch open Violence was tamely ſuffered to go unpuniſhed. It is true, neither

Judah nor *Ephraim* could call the Inhabitants of *Gibeah* to an account by the Conſtitution, as the Tribes were *independent* of each other, and no one Tribe had Juriſdiction over another; but for that very Reaſon this was a Cauſe properly cognizable by the *States* General of *Iſrael*, and that ſeems the true Reaſon why the *Congregation* of all *Iſrael* was aſſembled to enquire into it. The Crimes themſelves committed by the Inhabitants of *Gibeah* were very great, and made capital by the *Hebrew* Laws. The Laws were in particular careful to prevent Murders, and to engage all Perſons to aſſiſt in the Diſcovery and Puniſhment of them, that it was in particular provided, that *if any Perſon was*
Deut. xxi. 1, 2. *found ſlain in a Field, and it be not known who hath ſlain him; then the Elders and Judges ſhall come forth and meaſure unto the Cities, which are round about the Slain.* This Care was required of the Elders and Judges of the Tribe, that the Elders of the City that is next the ſlain Man ſhould bring an Heifer and ſtrike off his Neck, and ſolemnly purge themſelves of having any hand in the Murder, or any Knowledge of it.
3, 4, 6, 7, 8. *And all the Elders of that City that are next unto the ſlain Man ſhall waſh their Hands over the Heifer, that is beheaded in the Valley; and ſhall anſwer and ſay, our Hands have not ſhed this Blood, neither have our Eyes ſeen it, be merciful, O Lord, unto thy People Iſrael, whom thou haſt*

haſt redeemed, and lay not innocent Blood unto thy People of Iſrael's Charge; and the Blood ſhall be forgiven them. That is, to uſe the Words of Biſhop *Patrick*, "The "Guilt ſhall be removed from them, which "in ſome ſort would have lain upon them, "if they had taken no notice of a Murder "committed ſo near to their City; nor "made Inquiſition after it, and expreſſed "their Abhorrence of it." The Laws, you ſee, made Proviſion to purge a near City, and in a ſolemn manner by their Magiſtrates, of any Knowledge of a Murder, in which they had no hand, and to which they were no ways privy, to preſerve an Abhorrence of Murder, and a Care to prevent or detect it. Now in this Caſe, there was a moſt barbarous Murder committed in the midſt of a City, aggravated with many enormous Circumſtances, which the Magiſtrates took no Care to prevent, nor did they make any Inquiſition after it to puniſh it. And the Magiſtrates of the Province or Tribe actually joined themſelves with the Magiſtrates of the City, in refuſing to have it examined before the Senate and People, the national Court of *Iſrael*; and actually levied War, and appeared in Arms, to oppoſe the publick Juſtice of the *Hebrew* Nation in full Parliament aſſembled. It is this View of the Caſe, which ſhews it in its true Light. *All the Children of Iſrael were gathered together, and the Chief of all the People, even of all the* Judges xx. 1, 2.

Tribes

Tribes of Iſrael, preſented themſelves in the Aſſembly of the People of God. "The "Word which we tranſlate Chief," ſays Biſhop *Patrick*, "is in the *Hebrew*, the *Cor-* "*ners*; which were the Strength and Sup- "port of the People, as the Corner-Stones "are of a Building, *viz.* the Heads of their "Tribes, Rulers of Thouſands, and Rulers "of Hundreds, Fifties and Tens*." That is, this Congregation met under its proper Officers, not tumultuouſly and diſorderly, as a Mob; but led by the Princes of Tribes, and Heads of Families, which when nationally aſſembled, as we have ſeen in the Conſtitution of the *Hebrew* Government, made the great Council or Parliament of *Iſrael*. And it is to be obſerved, *there being then no King* (or Judge) *in Iſrael*, they had the *whole* national Authority, acting according to the Advice of the Oracle, lodged in themſelves. To know then the true Reaſon of this Civil War, which proved ſo fatal to the *Benjamites*, we ſhould firſt obſerve, that the *Levite*'s Complaint of his Wife's Murder could go no further, than to bring the Cauſe before the *Hebrew* Parliament, when the Parliament was met; all that followed, proceeded on quite another foot. The Congregation examined into the Truth of the Fact, *Then ſaid the Children of Iſrael, tell us, how was this Wickedneſs? Tell us*, in the Original is plural, and muſt mean more than one

Judg. xx. 4.

* *Patrick* on the Place.

one Perſon, likely the Man of the Houſe where the *Levite* lodged; the *Levite*'s Servant, and it may be ſome others, confirmed the *Levite*'s Evidence, by teſtifying themſelves to the Truth of it. Hereupon the Tribes of *Iſrael ſent Men through all the Tribe of Benjamin, ſaying, what Wickedneſs is this that is done amongſt you? Now therefore deliver us the Men, the Children of Belial, which are in Gibeah, that we may put them to Death, and put away Evil from Iſrael.* Judg. xx. 12, 13. Upon ſo eaſy, ſo reaſonable, ſo equitable Terms, might the Tribe of *Benjamin* have freed itſelf, from all Diſturbance and from all Danger; *but the Children of Benjamin would not hearken to the Voice of their Brethren the Children of Iſrael, but the Children of Benjamin gathered themſelves together out of the Cities unto Gibeah, to go out to Battle againſt the Children of Iſrael.* 14. So that now the Caſe was quite altered from the Murder of a private Perſon, by ſome Children of *Belial* in the City of *Gibeah*, to an open Rebellion of the whole City, and of the whole Tribe of *Benjamin*, againſt the whole national Authority of *Iſrael.* They not only refuſe to give up the Murderers to Juſtice, but declare openly for their Protection, raiſe an Army, and march to fight the Children of *Iſrael*, in Defence of them. This was the true Reaſon that began all Hoſtilities, that the whole Tribe of *Benjamin* made themſelves

themſelves *Acceſſaries* to all the Crimes the Children of *Belial* in *Gibeah* had been guilty of. They made themſelves in particular guilty of the common Injury done to all the Tribes, of violating the Rights of a ſafe Paſſage through each other's Dominions; they made themſelves Principals in a Rebellion againſt the Authority of the national Union, and were guilty of High-Treaſon in compaſſing the Subverſion of the whole *Hebrew* Government, by levying War againſt the Children of *Iſrael* in full Parliament aſſembled. Was this Quarrel with all *Benjamin*, " a private Quarrel relating to a *Le-*
" *vite* and his Whore?" Was this the real Quarrel of the *Iſraelites* with all the Tribe, or was it levying War againſt all *Iſrael?* And is the Puniſhment of Rebels in Arms againſt the Government, and actually fighting to deſtroy it, tho' with the Severity of military Execution, " the moſt bloody and " cruel Outrage that had ever been ſeen or " heard of?" Let any Man but caſt his Eyes into Hiſtory, and he will ſoon find Examples enough to convince him of the contrary.

But there is one Tranſaction relating to the Conduct of this Aſſembly of *Iſrael*, which it may not be improper juſt to take notice of in this Place. The Puniſhment of the *Benjamites*, in actual Arms againſt the Government, may appear leſs hard than the Puniſhment of the Men of *Jabeſh-Gilead*.

They

They did not appear upon the general Muſter. On this account twelve thouſand Men are ordered to put them to military Execution. Judg. xxi. 9. They were not in actual Arms againſt the Government, but they were evidently guilty of *Deſertion*; a capital Crime by the military Laws of all Nations, and a capital Crime of very heinous nature in the *Hebrew* Government. All *Iſrael* held their Inheritances, as we have ſeen before, by *military* Service; this was the only Defence of the Nation and Government; to deſert this Service muſt greatly endanger the Safety and very Being of the Government itſelf. It was not only Diſobedience to the Authority of the *Hebrew* Nation, and a Violation of the Conſtitution, but a Diſobedience of ſuch nature, as if allowed, muſt end in the Deſtruction of the Government: For every one would ſoon have found out ſome Pretence or other to excuſe their own Attendance. Military Executions are indeed terrible things, but they are deſign'd to ſtrike Terror in ſome Caſes, the only Means to preſerve Obedience, and maintain Diſcipline, to prevent yet more terrible Evils that may follow on a general Licence to Deſertion. Suppoſe a Tribe of *Iſrael* had been invaded, and cut off by their Enemies, for want of the Aſſiſtance of the other Tribes: Suppoſe the whole Army and Strength of the Nation cut in Pieces, becauſe weakened by the Deſertion of many, who thought it ſafer to ſtay at home, and

out

out of harm's way, than to run any of the Hazards of War in Defence of their Country, though to ſave the Lives of Thouſands, and preſerve the whole Nation from Deſtruction.

It ſhould alſo be obſerved, that in the Heat of War, when Mens Spirits are greatly warmed by high Provocations, they are ſometimes tempted to do ſevere and cruel Things, which a cooler Temper and more ſedate Judgment would have prevented; theſe are the Faults of *Paſſion*, not the Direction of *Laws*, and ſo far are to be accounted the Faults of Men, not of a Conſtitution. I the rather take notice of this, as it gives a general Anſwer to many of the Objections uſually made, to the Juſtice, Wiſdom and Goodneſs of the *Hebrew* Laws, as given by *Moſes*. When Men are faulty, how good ſoever their Characters may be in other reſpects; let them bear their own Guilt, but let us be careful not to make the Laws guilty, for the Sake of any Man's Weakneſs or Paſſions.

The Importance of this Remark may appear in the Caſe of the *Benjamites* before us. How juſt, how neceſſary ſoever it was, to puniſh their *Rebellion*; yet it may be allowed without any Reflection, either on the Oracle, or the *Hebrew* Laws, that the Army of *Iſrael* might carry the Puniſhment of the *Benjamites* too far, and with a Severity that might exceed all Directions of the Law and Rules of Prudence; and which were by no

no means either directed or warranted by the Oracle. So that when the People came to conſider it more coolly after the Heat of Action, *the People repented them for Benjamin*, and even the Elders of the Congregation conſulted how to reſtore the Tribe again, *that a Tribe might not be deſtroyed out of Iſrael.* It is then very unfair in the *Moral Philoſopher*, to aſcribe all Actions in this War to the Oracle, or to aſſert, "that "the Oracle encouraged the People, and "prompted them to the moſt bloody and "cruel Outrage that had ever been ſeen or "heard of." For which there is not the leaſt Foundation of Truth. The Oracle really directed no more than this, that *Judah*, according to ancient Cuſtom, *ſhould go up firſt to Battle:* And after the *Iſraelites* had been beaten at firſt by the *Benjamites*, the Oracle directs the Continuance of the War; and at length the Oracle gives them a Promiſe of Victory. Now what bloody, what cruel Outrages, are encouraged or prompted by any of theſe Oracles? It ſeems they did not take Advice of the Oracle, as they ought to have done, but truſted too much to themſelves. The firſt Queſtion they aſk, is, *Which of us ſhall go up firſt to the Battle againſt the Children of Iſrael*; not whether they ſhould go to War at all. So they began with an irregular Step, which is the likely Reaſon why they were at firſt defeated by the *Benjamites*, that they might learn not to truſt

Jud. xxi. 15. 21.

Judg. xx. 18. 23, 28.

truſt in their Numbers and Strength, but in the Protection of *Jehovah*. When they laſt conſult the *Oracle*, whether they ſhould continue the War and leave it to God's Direction; they have an Anſwer, that *God would deliver the Benjamites into their Hands*. This is all the Concern the Oracle had in the whole Caſe; whatever After-uſe was made of the Victory, had no Direction from the Oracle, for the Oracle was no ways conſulted about it; and therefore it is unrighteous to impute it to the *Oracle*. Let every one then bear his own blame, and anſwer for himſelf for any Wrong he has done; what ariſes either from the *Corruption* of the Conſtitution, or an undue *Execution* of Laws, are the perſonal Faults and Miſdemeanors of private Men; but are not, by any Rules of Reaſon, Juſtice or Equity, chargeable on the Laws or Conſtitution. How great Reproach ſoever it may be to thoſe who execute good Laws ill, no fair Reaſoner, no honeſt Lover of Truth will inſiſt upon it, as a juſt Reproach either on the *Laws* or the *Lawgiver*.

Caſe of the War with Amalek.

The foregoing Account of the *Benjamite* Rebellion might ſufficiently ſerve to ſhew, how the Principles of the *Hebrew* Government are applicable in like Caſes, and how they give a ſatisfactory Anſwer to like Objections, raiſed on ſome other Paſſages of the *Hebrew* Hiſtory; but it may not be amiſs to make

make their Application more eaſy and plain, by conſidering a few Inſtances more, eſpecially as Attempts have been made to reflect ſeverely on *Samuel* and the Prophets, " as " if they had inflamed, divided and excited " the People to Rebellion* ;" and to thoſe religious Wars, " by which both Kings and " Prophets were at laſt exterminated, and " the whole Nation perfectly enſlaved†." Let us ſee how the foregoing Principles ſhew the Injuſtice of this Charge in two principal Inſtances, the one of *Samuel*, in the Times of *Saul*, the other of the Prophets in the Days of *Ahab*.

Saul's Expedition againſt *Amalek* by *Samuel*'s Direction, according to the Command of God, is repreſented as a Project of the Prophet to deſtroy the King. " It is evi- " dent," ſays our Author ſo often mentioned, " that this was a Plot laid by the Prophet " for the King's Deſtruction ; for if he had " not given the Soldiers the Booty or Plun- " der of the conquered Country, the whole " Army would have mutinied, and deſerted; " ſince this was what they had never been " denied in all their Wars, and then the " King muſt have fallen a Sacrifice to the " diſappointed and inraged Soldiery, which " was doubtleſs what the Prophet intend- " ed‡." So our Author; let us ſee the Truth of this Caſe.

* Moral Philoſ. I. 313.
† Id. 304.
‡ Id. 238.

Samuel came to *Saul*, and ſaid unto him,
1 Samuel xv. 1, &c: *The Lord hath ſent me to anoint thee to be King over his People, over Iſrael. Now therefore hearken thou unto the Voice of the Word of the Lord. Thus ſaith the Lord of Hoſts, I remember that which Amalek did to Iſrael, how he laid wait for him in the Way when he came up from Egypt. Now go and ſmite Amalek, and utterly deſtroy all that they have, and ſpare them not; but ſlay both Man and Woman, Infant and Suckling, Ox and Sheep, Camel and Aſs.*

It appears in the *Hebrew* Hiſtory, that when *Amalek* came out and fought with
Exod. xvii. 14, 15, 16. *Iſrael*, that *the Lord ſaid unto Moſes, Write this for a Memorial in a Book, and rehearſe it in the Ears of Joſhua; for I will utterly put out the Remembrance of Amalek from under Heaven.* Accordingly *Moſes built an Altar*, or erected a monumental Pillar, which was ſometimes the Uſe of Altars, in Teſtimony *that the Lord will have War with Amalek from Generation to Generation.*

Amalek was the firſt of the Nations, that made War with *Iſrael*, and as a firſt and chief Enemy of *Iſrael*, was ſentenced from the Times of *Moſes* to be cut off. A Memorial of this Sentence is erected by *Moſes* in his own Times, to preſerve it in conſtant Memory, that the *Hebrew* Nation might never forget it, or be ever tempted to enter into

into Alliances or Friendſhips with it. It was moreover one of the ſtanding military Laws, with reſpect to the Cities of thoſe People, which God gave them for their Inheritance, *Thou ſhalt ſave alive nothing that breatheth, but thou ſhalt utterly deſtroy them.* This was an original and ſtanding Law of the Conſtitution, a Puniſhment ſevere indeed, but appointed for Perſons whoſe Crimes deſerved the ſevereſt Puniſhments, and who, as was ſhewn before, were wiſely made Examples for the Warning of the whole Nation of *Iſrael*, as well as the Neighbour Nations, to keep themſelves from ſo provoking Abominations. Deut. xx. 16, 17.

The ſame Reaſons then, which juſtify the Puniſhment of the *Canaanites* in general, will juſtify the particular Puniſhment of the *Amalekites*. It is plain in Hiſtory, that this Sentence againſt *Amalek* had not been executed when *Samuel* directed *Saul* to take upon himſelf the Execution of it. The weak State of the *Hebrews* under their occaſional Judges, and while they were oppreſſed by ſeveral Neighbour Nations, may account for the Reaſons why it had been deferred ſo long; but now the Power of the Nation was united in a King, *Saul* had gained great Advantages over the *Philiſtines*, and it was high time to improve thoſe Advantages to a better Settlement of the *Hebrew* Nation in the promiſed Land, which was of very great Importance to the Safety as well as the

Proſperity of their Government. And what could be more adviſeable than to begin with *Amalek?* Was it unbecoming a Prophet to put *Saul* in mind of a ſolemn Law and perpetual Edict of *Jehovah*, to root out *Amalek?* Was it unbecoming *Samuel* as a Counſellor, to adviſe *Saul* to begin with an ancient, dangerous and inveterate Enemy, the more dangerous as they were ready to attack the *Hebrews* behind, if ever they ſhould be put to defend themſelves againſt any new Attempts of the *Philiſtines*, a rich, powerful and formidable People, as *Saul*, notwithſtanding he Subjection of the *Amalekites*, ſoon found with the Loſs of his Life?

Where now is it evident in this Hiſtory, that (as our Author obſerves) this was a Plot laid by the Prophet for the King's Deſtruction? The Crimes of *Amalek*, the Sentence pronounced againſt *Amalek*, the monumental Pillar to keep it in perpetual Remembrance, were all as old as the Days of *Moſes*, above three hundred Years before *Samuel* or *Saul*, either the Prophet or the King were born. But it may be the Plot did not lie in this, that *Saul* was exhorted to make War with *Amalek*, becauſe the Lord had ſaid, I will have War with *Amalek* from Generation to Generation, or till that evil Generation was rooted out. *Samuel*'s Plot, it ſhould ſeem, rather lay in this, that he had ordered all the Spoil or Booty ſhould be deſtroyed, and not given to the Army.

For,

For, ſays our Author, " if he (*Saul*) had " not given the Soldiers the Booty or Plun- " der of the conquered Country, the whole " Army would have mutinied and deſerted; " ſince this is what they had never been " denied in all their Wars, and then the " King muſt have fallen a Sacrifice to the " diſappointed and enraged Soldiery, which " was *doubtleſs what the Prophet intended.*" Amazing Confidence! ſo poſitive in aſſerting what is ſo groundleſs, and ſo falſe.

What! had the Army never been denied the Booty in all their Wars? Who, that had ever read the Crime or Puniſhment of *Achan*, but would bluſh at aſſerting what is ſo evidently falſe, unleſs every thing muſt be right with a Moral Philoſopher, if it may ſerve for Matter of Accuſation againſt a Prophet.

At the Siege of *Jericho*, the City was put under an Anathema or Curſe, almoſt in the ſame Words as *Samuel* uſes concerning *Amalek*, *and the City ſhall be accurſed, it and all that are therein, to the Lord.* Joſ. vi. 17. This military Anathema or Curſe was the *Hebrew* Phraſe for military Execution; the Effects of which are thus explained, *And they utterly deſtroyed all that was in the City, both Man and Woman, young and old, and Ox, and Sheep, and Aſs, with the Edge of the Sword.* 21.

But *Achan* committed a Treſpaſs in the
Joſ.vii.21. accurſed thing; for he ſaw among the Spoils a goodly *Babyloniſh* Garment and two hundred Shekels of Silver, and a Wedge of Gold of fifty Shekels weight, and he coveted and took them: For this Crime he was condemned to Death, all *Iſrael* ſtoned him with Stones, and his Memory was afterwards mentioned with Ignominy as the Troubler of *Iſrael*.

Was it then *doubtleſs*, the Intention of *Samuel* to raiſe a Mutiny in the Army againſt *Saul* for denying the Spoils, which was what they had never been denied in all their Wars; *doubtleſs*, an old Prophet and Judge in *Iſrael* could not intend any ſuch thing; for he could not, indeed hardly any one *Iſraelite* could be ignorant of the direct contrary, if only from the exemplary Puniſhment of *Achan*.

The Diſobedience of *Saul* in this Caſe, was really a very aggravated Fault. It was not only aſſuming to himſelf a diſpenſing Power, but it was a direct Violation of the Original Laws of *Jehovah*; which, we have already ſeen, were ſacred and unalterable by the Conſtitution.

Now to aſſume and exerciſe a Power of diſpenſing with and ſuſpending of Laws, was juſtly underſtood by our Legiſlature, as a principal Evidence, that the late King *James* II. did endeavour to ſubvert and extirpate

tirpate the Laws* and Liberties of this Kingdom. This fair Repreſentation of the Caſe, may ſhew how unfairly the Conduct of the Prophet *Samuel* is reflected upon, not only without any Foundation of Truth, but even againſt the plaineſt Evidence of Truth to the contrary.

Caſe of the Prophets in the Days of Ahab.

The Caſe of the Prophets in *Ahab*'s Time, is full out as plain. I ſhall ſay nothing of the Character or Authority of the Prophets, which, beſides that the Conſideration of them is in an abler Hand†, is not very material to the Queſtion before me. I am only to ſhew how the foregoing Principles of the *Hebrew Civil Government* will entirely remove all thoſe Objections ariſing from this Part of the *Hebrew* Hiſtory, ſo far as the Revelation of *Moſes* can be concerned in it. For it is to be obſerved, that no Man's private Behaviour, tho' bred in the Schools of the Prophets, can be any juſt Reflection, either on thoſe Schools, or their Inſtitutions; leaſt of all, on the Original Laws and Conſtitutions of *Moſes*. Who was ever ſo unreaſonable, as to make the private Miſbehaviour of Perſons bred in any Univerſities, whether Fellows of Colleges, or Heads of Houſes, a Reflection on Nurſeries of Learning? Who ever inferred from thence that Precepts of Virtue were not taught in

* Stat. I. *Wm.* and *Mary*, Seſ. ii. c. 2.

† *Leland.*

them, becauſe ſome of their Scholars proved vicious, notwithſtanding their Education.

If then four hundred Prophets, or four times as many Perſons, educated or living in the Colleges of Prophets, ſhould think it for their Intereſt to court King *Ahab* and Queen *Jezabel*, and propheſy ſmooth Things, ſuch as ſhould pleaſe them, however falſe; what is this to *Moſes* and his Revelation, to the Character and Authority of true and faithful Prophets? *Micajah*, a true Prophet, calls theſe four hundred *Ahab*'s Prophets, not the Lord's. *Now therefore the Lord hath put a lying Spirit in the Mouth of all theſe thy Prophets, and the Lord hath ſpoken Evil concerning thee.* Theſe Court Prophets, who gave themſelves up to a Spirit of Falſhood to pleaſe the King, are yet by our Author ſhrewdly ſuppoſed "to have con-"ſpired together to ſend King *Ahab* up to "*Ramoth Gilead*, that he might there fall "in Battle; which took effect, and the "King was ſlain, though they had all aſſured "him in the Name of the Lord, that he "ſhould gain the Victory and return in "Peace*." True, all *Ahab*'s own Prophets had given him ſuch Aſſurance; but *Micajah*, the true Prophet of the Lord, had aſſured him of the contrary; for which Freedom the King committed him to Priſon, and ordered him to be fed with the Bread and Water of Affliction. You ſee thus plainly, neither

1 Kings xxii. 23.

27.

* Moral Philoſ. I. 315.

neither the true Prophets of the Lord, nor any of the Laws or Conſtitutions of the *Moſaical* Revelation, are the leaſt concerned in this Caſe of *Ahab*. You ſee further how groundleſs it is to charge even theſe Court Prophets with a Conſpiracy to ſend the King to War, that he might fall in Battle. The Hiſtory ſhews how much *Ahab* loved to be deceived; when it was propoſed to conſult *Micajah*, he ſaid, *I hate him, for he doth not propheſy Good concerning me, but Evil*; but *Ahab*'s Prophets were much better Courtiers, they aimed only at pleaſing him; and what Advantage could theſe Prophets have, by a Conſpiracy againſt *Ahab*'s Life? They might hope ſomething from his Favour while he lived, but had little to expect, if by his Death the Credit of the true Prophets of the Lord ſhould be revived. But to return from the Miſ-conduct of the falſe Prophets to the Conduct of the true.

1 Kings xxii. 8.

Our Author obſerves, " Experience by " this time had evinced, that it was im- " poſſible for the regal Power and prophe- " tick Office to ſubſiſt together, and there- " fore *Ahab* hoped to have put an End to " this holy Order, and thereby have cut off " the Occaſion of any more religious Wars " . . . . . He therefore ſeems to have " formed a Deſign, and laid a Scheme, if " poſſible, to root them out, and to eſta- " bliſh ſome other Religion more friendly " and beneficent to Mankind; and that

" might not obſtruct his Alliances with other " Nations*." So our Author repreſents the Idolatry of *Ahab* in compariſon with the Worſhip of the true God, as the eſtabliſhed Religion of the *Hebrew* Nation. *Ahab* had married *Jezabel*, Daughter of the King of *Zidon*, an Idolater: " She was a Woman " of great Policy and Contrivance, by whom " he might execute his Deſigns without " ſeeming to be directly engaged in it him- " ſelf. She laid a Scheme for the Deſtruc- " tion of the Lord's Prophets, and for which " (as our Author tells us) ſhe ſeemed to have " had ſome Appearance of natural Juſtice." The Prophets it ſeems were againſt a Toleration of Idolatry, or a Suſpenſion of the Laws againſt Idolaters in the *Hebrew* Government, by King *Ahab*'s Prerogative; but Queen *Jezabel* thought this Zeal of the Prophets " contrary to the Law of Nature and " Nations; and therefore ſhe laid a De- " ſign for the Deſtruction and Extermina- " tion of theſe Prophets, as Enemies not " only to their own Country, but to the " common Peace and Tranquility of the " World†." And, does our Author think ſo too? Would he have his Readers think thus with Queen *Jezabel*, and juſtify her Deſign for the Deſtruction and Extermination of the Prophets for theſe Reaſons. Let the fore-

* Moral Philoſ. I. 312.
† Id. 314.

foregoing Principles of the *Hebrew* Government determine the Caſe.

We have ſeen the Juſtice, Wiſdom and Goodneſs of putting a ſtop to Idolatry, by the *Hebrew* Conſtitution ——— that Idolatry was High-Treaſon in the *Hebrew* Government——that the Prohibition of Marriage with Idolaters being one of the Original Laws of *Jehovah*, was unalterable, and not to be diſpens'd with, by any Power or Authority in that Government. ---- That a Toleration of Idolatry in that Government was ſubverſive of the chief Deſign and principal End of the Conſtitution, irreconcileable to common Senſe, as well as to political Wiſdom. ——— That it was a Breach of the Covenant of *Jehovah*, or of the Original Contract between *Jehovah* and the Nation, and of the Oath of Allegiance to *Jehovah*, by which all Perſons were bound from the loweſt of the People to the higheſt Magiſtrate.

What ſort of Perſons then muſt the Prophets have been, if they could have fallen in with King *Ahab*'s Deſign, to aboliſh the Worſhip of the one true God, in order to introduce Idolatry as a more friendly Religion, and more beneficent to Mankind? If they could have thought with Queen *Jezabel*, that the Puniſhment of Idolatry, according to the Laws of the *Hebrew* Government, was contrary to the Law of Nature and Nations, what honeſt Man in all

all *Iſrael*, Prophet or no Prophet, but would have endeavoured, as far as he lawfully might, to prevent the utter Subverſion of the Religion, Laws and Conſtitutions of his Country, on which his own Liberties, Property and Happineſs did depend. For the ſame Power that deſtroyed the Conſtitution, might deſtroy every Man's Rights and Properties, which were only to be ſupported by it. *Naboth*'s Right to his Vineyard would be brought to depend on the King's Will, as much as the Laws againſt Idolatry.

The Wiſdom of our Government has declared it inconſiſtent with the Safety and Welfare of this Proteſtant Kingdom, to be governed by a Popiſh Prince, or by any King or Queen marrying a Papiſt; and therefore it is enacted*, that every ſuch Perſon ſhall be excluded, and be for ever incapable to inherit, poſſeſs or enjoy the Crown and Government of this Realm. ---- And in all and every ſuch Caſe or Caſes, the People of theſe Realms ſhall be, and are hereby abſolved of their Allegiance.

If Queen *Jezabel* would have thought theſe Methods of Preſervation againſt the Danger of Popery contrary to the Laws of Nature and Nations, I hope no honeſt *Engliſhman*, who has ſeen in Experience, that Popery is inconſiſtent with the Safety and Welfare of this Proteſtant Kingdom, but

* 1 *W.* & *M.* Seſ. ii. c. 2.

but will own it to be a wiſe and neceſſary Proviſion, to preſerve his Religion, Liberty and Property, and endeavour to prevent the leaſt Breach in this Security to our Happineſs from the preſent Proteſtant Succeſſion. Whether Idolatry was not as inconſiſtent with the Safety and Welfare of the *Hebrew* Government, let every Man judge?

I ſhall but juſt take notice of one Obſervation more of our Author's, in this Charge againſt the Prophets: "That every King "and Royal Family, who could not come "into theſe Meaſures, were marked out for "Deſtruction; and the moſt formidable "and bloody Rebellions raiſed againſt them "for encouraging and ſupporting Idola-"try.*" This Charge of Rebellion againſt Kings and Royal Families ſounds great, and may perhaps lead unthinking People to imagine ſome divine hereditary Right of Succeſſion in theſe Kings and Royal Families; and that it muſt be an heavy Aggravation of Rebellion in the Prophets, to oppoſe the Exerciſe of the Royal Prerogative for the Eſtabliſhment of Idolatry. But pray obſerve who theſe Kings and Royal Families were; *Ahab* was the Son of *Omri*, a general Officer, who came to be King by ſlaying *Zimri*, who had conſpired againſt *Elah* his King, and killed him. *Elah* was the Son and Succeſſor of *Baaſha*, who began his Royal Family by conſpiring againſt, and

* Moral Philoſ. I. 303.

and ſlaying *Nadab* the Son of *Jeroboam*; and this *Jeroboam*, the Founder of his Royal Family, obtained his Crown by a Revolt from the Kingdom and Family of *David*. You ſee, here are three Royal Families of *Omri*, *Baaſha* and *Jeroboam*, all of them founded in leſs than fifty Years; all of them founded by Subjects either conſpiring againſt their Kings, and ſlaying them, or revolting from them. In which of theſe Royal Families was the divine Right of hereditary Succeſſion? If in none of them, what will all this Outcry of formidable and bloody Rebellions againſt every King and Royal Family amount to? In a Word, it was by the *Hebrew* Government an eſſential Limitation of the Power and Prerogative of every Magiſtracy whatever, of the Congregation of all *Iſrael*, of the national Senate, of the Judge, and of the King, whether ſeparately or jointly, that their Power did not extend to repeal the Laws againſt Idolatry, or to diſpenſe with the Execution of them: For it was a Breach of the firſt Covenant, or original Contract between *Jehovah* and the *Hebrew* Nation, which required they ſhould have no other Gods before him. It could not therefore poſſibly be Rebellion, to oppoſe all Attempts againſt the Laws, Rights and Liberties of the Nation. It would have been Rebellion againſt the Government, not to have endeavoured to ſupport and maintain it, a-

gainſt all ſuch Attempts of an unlawful Prerogative.

Upon the whole, conſidering the true Deſign of the *Hebrew* Government, the ſeveral Parts of it will, I hope, appear wiſe and well choſen to anſwer the Ends propoſed by them. And as the Deſign of erecting a Government to put a ſtop to Idolatry, and to preſerve in it the Knowledge and Worſhip of the one true God, the beſt Principles of Virtue, of private and publick Happineſs, appears a kind and good Deſign, as well as agreeable to Juſtice: It will prove an unanſwerable Defence of that Part of Revelation, and ſhew from the Conſtitution of the Government itſelf, how weak, how groundleſs, how falſe the uſual Objections againſt it really are.

AN

AN

APPENDIX

TO A

DISSERTATION

ON THE

CIVIL GOVERNMENT

OF THE

HEBREWS.

IN WHICH

Some Parts of that GOVERNMENT are further explained and vindicated.

AND

Some more unfair and falſe Repreſentations of it by the Moral Philoſopher are detected.

By MOSES LOWMAN.

APPENDIX
TO A
DISSERTATION
ON THE
CIVIL GOVERNMENT
OF THE
HEBREWS.

THE Author of the Moral Philoſopher has been pleaſed, in his third Volume, to take Notice of a Diſſertation on the Civil Government of the *Hebrews*, principally with relation to ſome Obſervations which were made on the very extraordinary Account given by the M. P. of the *Levitical* Revenues. Our Author paſſes over in Silence the Deſign of the *Hebrew* Government to preſerve the Knowledge and the Worſhip of the one true God from the ſpreading, and almoſt univerſal Corruption of the World by Idolatry, to put ſome Stop to the many barbarous, immoral and inhuman Rites, to the enormous Acts of Vice and Wickedneſs which were encouraged by the very Idols

themſelves, which were worſhipped as Gods, and which ſhew'd the Puniſhment of the *Canaanites* as an Example to other Idolaters, and as a Caution to the *Hebrews*, a Deſign, worthy the Goodneſs, as well as the Wiſdom of God, and no ways inconſiſtent with the Juſtice of God, as the Moral Philoſopher would repreſent it. He is as ſilent to what was offered with reſpect to the Caſes of the *Benjamite* Rebellion, *Saul*'s War with the *Amalekites*, and the Behaviour of the Prophets to the idolatrous King *Ahab*: He had loaded all theſe with all manner of Reproach, with the keeneſt Reflections on the Prophets, on *Samuel*, and on the Oracle itſelf. The Pro-

Heb. Gov. 27.

phets, were repreſented as having inflamed, divided and excited the People to Rebellion, and to thoſe religious Wars, by which both Kings and Prophets were at laſt exterminated, and the whole Nation perfectly enſlaved. He had repreſented the Expedition of *Saul* againſt *Amalek* by *Samuel*'s Advice, as a Plot laid by

ib. 255.

the Prophet for the King's Deſtruction; and that in the *Benjamite* Rebellion, the Oracle had encouraged the People, to the moſt bloody and cruel Outrage, that had ever been known or heard of, that an Injury done to a ſingle *Levite*, was thought fit to be revenged by cutting off a whole Tribe, Root and Branch, without any Regard to natural Juſtice, or the leaſt Bowels of Mercy or Compaſſion. He had every where aſſerted, that the *Hebrew* Conſtitution was contrived partially, to favour

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the particular Intereſts of the *Levites*, and to draw the Power and Wealth of the Nation into their Hands.

The Diſſertation on the Civil Government of the *Hebrews*, propoſed to ſhew, from the Laws of the Conſtitution itſelf, that theſe Reflections were without any Foundation of Reaſon, contrary to hiſtorical Truth of Facts, inconſiſtent with the Deſign and Frame of the *Hebrew* Government, and to the ſeveral Parts of the Conſtitution.

For it appeared, from the whole Plan of the Government, that its Balance was ſo well fixed, that no one Part had Power to overbear the reſt, in particular that the Conſtitution had taken effectual Care it could not be in the Power of the *Levites*. ib. c. xiii.

It appeared, from the Conſtitution, that the *Benjamites* were puniſhed for levying War againſt the Government, and whole *Hebrew* Nation; ſo that it was an heinous Act of High-Treaſon, and not a private Injury, that they were puniſhed for. It appeared that the Expedition of *Saul* againſt *Amalek* by *Samuel*'s Advice, was not, could not be a Plot laid by the Prophet for the King's Deſtruction; the Crimes of *Amalek*, the Sentence againſt *Amalek*, the Monument to keep them in Remembrance, were ſome hundred of Years older than either *Samuel* or *Saul*; and the Diſobedience of *Saul* in this Action, was a very aggravated Fault, in aſſuming a diſpenſing Power, in direct Violation of the Conſtitution.

ſtitution. Our Author had allowed, that *Ahab* had formed a Deſign, if poſſible, to root out the Prophets, and to eſtabliſh ſome other Religion more friendly and beneficent to Mankind; or that *Ahab* intended at leaſt to diſpenſe with the Laws againſt Idolatry, if not to eſtabliſh Idolatry as the national Religion. Such Attempts, it was obſerved, would have been a manifeſt Breach of the original Contract between *Jehovah* and the Nation, by which the higheſt Magiſtrates were bound, as well as the loweſt of the People. Every honeſt Man therefore in *Iſrael*, Prophet, or no Prophet, was concerned to prevent, as far as he lawfully might, an utter Subverſion of the Religion, Laws, and Conſtitution of his Country, on which his own Liberty, Property, and Happineſs muſt depend. It was highly unreaſonable and unjuſt to charge Endeavours for preſerving the Conſtitution againſt an unlawful diſpenſing Power, as formidable and bloody Rebellions raiſed againſt every King and Royal Family, without taking any Notice at all that Idolatry was abſolutely inconſiſtent with the Safety, Welfare, and whole Conſtitution of the *Hebrew* Government. And every one, who ſhould have given any Countenance to ſuch Attempts, muſt have been guilty of a traiterous Attempt to depoſe *Jehovah*, and of High-Treaſon againſt him, as the ſupreme Civil Governor of *Iſrael*.

ib. 287.

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According to the Rules of Reaſoning, the M. P. having ſaid nothing in anſwer to theſe Facts, the Reader is allowed to conclude ſtill, that ſuch Objections as theſe againſt the Conſtitutions of *Moſes*, only ſhew either an utter Ignorance of the *Hebrew* Government, or ſuch good Will to cenſure and condemn it, as dares firſt falſify its Conſtitutions, in order afterwards to cenſure them, as criminal or ridiculous. Facts are ſtubborn things, and will not yield either to Strength of Imagination, or to the Arts of Miſrepreſentation; ſo that all our Author's Reaſonings, as they are unſupported by the Hiſtory or Laws of the *Hebrew* Nation, and are contrary to both, muſt be fallacious, for one plain Reaſon, becauſe they conclude againſt Facts. Heb. Gov. 4.

The M. P. has indeed made one Obſervation, that I go all along on the common Suppoſition, that the *Hebrew* Government was a Theocracy, and of immediate Divine Inſtitution, in which God himſelf condeſcended to be their King and Civil Sovereign. Mor. Phil. V. iii. 339.

" This, with many others, who had gone " before me, he ſays, I have taken up for " granted, and argued from it without Proof. " I am ſaid to aſſume, as others had done " before me, the Theocratic Conſtitution of " *Moſes* as a *Poſtulatum*, that he cannot ſee " I have offered any thing in Proof of it, " but the Authority of *Moſes* himſelf, which " is the very Thing, he ſays, in diſpute. Pref. vii.

I can hardly tell how to believe, our Author really thinks, that what he calls the very Thing in diſpute, is a Thing at all in diſpute between him and me. The real Queſtion, in which alone I am concern'd, is this, What was the *Hebrew* Conſtitution and Government, as it appears in the Hiſtory and Laws of the *Hebrew* Nation? What was the Government *Moſes* eſtabliſh'd, and the People receiv'd from him in the Name of *Jehovah?* Now, what can prove this ſo well, as the Records of the Hiſtory and Laws of that Nation themſelves? The only Queſtion before me, being a Queſtion of Fact, what the *Hebrew* Conſtitution was according to Law? I had no Queſtion at all concerning the Authority of *Moſes*, whether it was Divine or Human, of divine Original, or according to our Author, a ſacred Impoſture? For my Queſtion was not, by what Authority *Moſes* gave his Law, but what that Law was, which he publiſhed in the Name *Jehovah* to *Iſrael?*

282. Now the Laws of the *Hebrew* Government, as delivered by *Moſes*, were manifeſtly on the Plan of a Theocracy: *Jehovah* was propoſed to the *Hebrew* Nation as their Civil Sovereign by *Moſes*, and received and acknowledged as ſuch by the unanimous Conſent and Vote of the whole Nation. *David* therefore juſtly calls the *Hebrew* Government, *the Throne of the Kingdom of Jehovah over Iſrael.* This I had proved from the Hiſtory and Laws

1 Chron. xxviii. 5.

of

of the *Hebrews*, as they are on Record in their own moſt ancient Writings. And is not this the beſt, indeed the only Proof of what the *Hebrew* Government was, in its original Conſtitution? If I had offered any other Proof, it had been impertinent, becauſe nothing to the Argument; for every Government really is juſt what it is, and cannot be any other than what it is, whatever Original it may have. The Laws, for Inſtance, of *Numa*, are juſt what he gave the *Romans*, let the Motives he uſed to enforce their Authority be real or pretended.

I had proved, that the Hiſtory and Laws of the *Hebrew* Government manifeſtly ſhewed a Theocracy, and that the *Hebrews* did actually receive and own *Jehovah* for their civil Sovereign. Does the M. P. diſpute this with me? Here his own Words: "The Angel 314.
"*Jehovah*, he ſays, had never been known
"under that Name till the Time of *Moſes*;
"for tho' the ſame Angel had often appear-
"ed, walk'd up and down and converſed
"with Men before, yet he had never till
"now taken the Name of *Jehovah*, which
"was peculiar to the Supreme Being; but
"*Moſes* now firſt deify'd this Angel, becauſe
"he muſt have a local, tutelar, oracular God,
"and could not have governed the World
"without it." And again, "The *Iſraelites*,
"from the Days of *Moſes*, believed their na-
"tional, tutelar God to be *Jehovah*, or the
"Supreme God." In this Account of our 315.

M. P. with all its Miſtakes and Contradictions in other Particulars, it appears he allows that *Moſes* taught, and the *Iſraelites* from the Days of *Moſes* believed, their national, tutelar God to be *Jehovah*, or the Supreme God, or that it was the Supreme God, who they believed brought them out of *Egypt*, gave them their Laws, Civil and Political, as well as Moral, and often directed them by his Oracle; ſo that, according to our Author, the *Iſraelites* believed *Jehovah* was the Perſon who acted ſo many Ways as their Civil Sovereign. Thus far the M. P. ſeems to have no Diſpute with me at all.

I have been ſo particular to ſet the true State of the Queſtion before the Reader, that he may not be miſled from the real Queſtion to one of a quite different Nature, and be deceived by what our Author ſuggeſts, that I have taken for granted, what I ought to have proved in my Argument: He will ſee I have fully prov'd all that I was to prove, that the Hiſtory and Laws of the *Hebrews* make their Government a Theocracy; and he will further ſee, I hope, that another Queſtion which our Author has endeavoured to ſhuffle into the Room of it, is nothing to the Purpoſe of my Argument, and which I had no Concern to prove at all.

With our Author's good Leave, the very Thing in Diſpute between him and me, was, Whether the *Moſaical* Conſtitutions, or the Government and Laws of the *Hebrews* were in

in themſelves unwiſe, unequal, unjuſt, tyrannical and cruel? Whether they were a Refinement on the Superſtition of *Egypt*? And to ſuppoſe or affirm any of them of the true God, muſt be equally abſurd and blaſphemous. This was the Queſtion on which I join'd Iſſue with our Author, by denying the Charge, and endeavouring to ſhew, by a fair Repreſentation of the *Moſaical* Conſtitutions and Laws, that they were wiſe, juſt and good in themſelves, formed on a good Deſign, and on a wiſe Plan: This is really the only Diſpute between us; and the Reader will obſerve, if the Moral Philoſopher had proved never ſo clearly that the *Hebrew* Conſtitution had no other Foundation than human Polity, it would not have proved what he was to have proved, to make good his own Charge, that the Laws themſelves were unwiſe, unjuſt, tyrannical and cruel, for that was the Charge our Author had exhibited againſt them.

Let it then be obſerved, tho' I have only proved the Theocracy from the ancient Hiſtory and Laws of the *Hebrews*, which the M.P. calls taking it as a *Poſtulatum*, there is nothing at all wanting to my Argument: For tho' I left the Proof of the divine Authority of *Moſes* as a Lawgiver, to that Evidence which has been ſo fully and ſo unanſwerably given by others, ſtill the Fact is plain, *Moſes* taught, and the *Hebrews* believed, a Theocracy; this our Author himſelf

ſelf allows, and was all my Argument wanted, which was, from this Deſign and general Plan of the *Hebrew* Government, to ſhew the Wiſdom and Equity of the particular Laws of that Conſtitution.

I muſt therefore take leave to think myſelf no ways accountable to give any Anſwer at all to his Romance, concerning the firſt Riſe and Original of the *Hebrew* Theocracy, which is juſt ſuch another Conceit as that the *Iſraelites*, while in *Egypt*, had been much amaz'd and ſurpriz'd with the infallible Declarations and Deciſions of *Jupiter Hammon*, when our Author *now* owns himſelf, that the Practice of deifying Heroes and Great Men did not begin till *Solomon*'s Time, when *Seſac*, or *Seſoſtris*, built a Temple to his Father *Ammon*, whoſe Daughter *Solomon* had taken for his Queen; that is, *Ammon* was born ſome Hundreds of Years after *Moſes* had led the Children of *Iſrael* out of *Egypt*.

M. P. iii. 102.

Yet that the Reader may not be induced to give Credit to this Romance, from the Air of Truth and Hiſtory with which it is deliver'd, I ſhall give him a Specimen, to ſhew how groundleſs thoſe Facts are which he alledges in Support of it, and that the Principal of them are contrary to the Truth of Hiſtory and Chronology. According to our Author, " *Moſes* only form'd and eſtabliſh'd " an independent Government and King- " dom of his own, upon the very ſame Plan " of Prieſthood which *Joſeph* had ſettled

" in

" in *Egypt* above two hundred Years be-
" fore." So that our Author in giving his Account of the Riſe and Original of the Theocracy, very freely takes two Things for granted; the one, that *Joſeph* had ſettled in *Egypt* an independent Government and Kingdom in the Prieſthood; the other, that *Moſes* form'd and eſtabliſh'd his own Government and Kingdom, upon the *ſame Plan* of Prieſthood which *Joſeph* had ſettled in *Egypt* above two hundred Years before: Both theſe, on Examination, will appear not only to be groundleſs, but contrary to Truth.

" *Joſeph* (our Author ſays) had obtain'd
" a Decree or Ordinance from *Pharaoh*,
" which made the Church Lands unaliena-
" ble, and irreſumable by the Crown, by
" which Means the Prieſthood in *Egypt* be-
" came hereditary, and independent of the
" Crown." In what Hiſtory, in what Re- M. P. iii.
cord did our Author find this Decree or Or- 20.
dinance of *Pharaoh*'s? Has our Author Authority to make what Hiſtory he pleaſes, and impoſe it on the World without any Voucher at all? Our Author, indeed, mentions one Text of Scripture, which he thus miſrepreſents to his Reader, " The Prieſt's Lands ib. p. 21.
" were not ſeized or taken too, *becauſe they* Gen. xlvii.
" *were not* Pharaoh's, *v.* 26."

I think it would be right, if Authors, when they quote Texts, eſpecially when they uſe them as Proofs and Arguments, would firſt read them: I have read this Text over and

and over again, and can neither find the Words our Author quotes, nor the Senſe he would impoſe upon it: Let the Reader ſee whether he can find either: The Words of the Text are theſe: *And Joſeph made a Law over the Land of Egypt unto this Day, that Pharaoh ſhould have a fifth Part, except the Land of the Prieſts only, which became not Pharaoh's.* Are theſe the Words the M. P. has given us for the Text, the Prieſts Lands were not ſeized or taken too, becauſe they were not *Pharaoh*'s. This Law ſpeaks of no Lands ſeized or taken away: *Joſeph* had already bought all the Lands of *Egypt* for *Pharaoh*, ver. 20. *only the Lands of the Prieſts bought he not*, ver. 22. Now this Law which charg'd the Lands of *Egypt* with a fifth Part as a Land-Tax to the Crown, was really reſtoring Lands, and not ſeizing them; it was returning the Land of *Egypt* which *Pharaoh* had bought, back again to the Proprietors, ſubject only to a Subſidy of Four Shillings in the Pound. This, if our Author pleaſes, may be conſidered as an Improvement of the Revenues of the Crown, and ſo as an Addition to the Strength and Power of the Kings of *Egypt*; but ſure it was not a very politick Way to make the Prieſthood independent of the Crown. The Prieſts had their Lands, it is true, free from this new Tax or Subſidy, becauſe they became not *Pharaoh*'s, as the other Lands of *Egypt* then were. *Joſeph* having bought the Land

of

of *Egypt* for *Pharaoh*, except the Lands of the Prieſts: When the Lands were reſtored by a new Grant, reſerving a fifth Part to the Crown, the Lands of the Prieſts not being within the Grant, could not be ſubject to the Tax, or reſerv'd Rent. So that the Prieſts, notwithſtanding this Law, held their Lands juſt on the ſame Tenure, which they did before the Famine, whatever that Tenure was. Here is not one Word, "That "*Joſeph* had obtain'd a Decree or Ordi- "nance from *Pharaoh*, which made the "Church Lands unalienable and irreſuma- "ble by the Crown, by which Means the "Prieſthood in *Egypt* became hereditary, "and independent of the Crown." On the contrary, this Law ſhews the Prieſts held their Lands juſt as they had done before, only free from the general Sale of the Land of *Egypt* to *Pharaoh*, and to the Subſidy agreed upon when thoſe Lands were reſtor'd. So that by this Law the Crown got, indeed, a conſiderable additional Revenue and Power, but the Prieſthood nothing at all.

The Truth is, *Moſes* was ſo far from following the ſame Plan of Prieſthood which *Joſeph* had ſettled in *Egypt* two hundred Years before, that it was impoſſible he ſhould do ſo, for *Joſeph* had never ſettled any Plan of Prieſthood in *Egypt* for *Moſes* to follow: He left the Prieſts and their Lands juſt in the ſame Condition he found them: He made no Alteration in Favour of their Power,

Power, or Independence on the Crown: So that this ſuppoſed Plan of *Joſeph*'s is really nothing more than a Plan formed in our Author's own Imagination.

But our Author's further Suppoſition, that *Moſes* only follow'd the ſame Plan of Prieſthood which, he ſays, *Joſeph* had ſettled in *Egypt* two hundred Years before, is yet, if poſſible, more apparently contrary to hiſtorical Truth.

Our Author, in his Account of the Plan, which he ſuppoſes *Joſeph* had ſettled in *Egypt*, obſerves, "He managed Matters ſo well as to divide the whole Power and Property of *Egypt* between the Church and the Crown; this gave them an Opportunity and Power to work up the People into the higheſt and greateſt Superſtition, and into an abſolute blind Obedience and Reſignation to themſelves." And does our Author really think he can perſuade any one Man to believe that *Moſes* afterwards form'd the *Hebrew* Prieſthood on this Plan, when it is ſo very plain, that the *Moſaical* Plan of Prieſthood and Government is not only very unlike it, but in the more eſſential Parts directly contrary to it? The *Moſaical* Conſtitution, inſtead of giving the Prieſts a vaſt Property in Lands independent of the Crown, expreſsly forbids them to have any Property in Lands at all, more than was juſt neceſſary for their Habitations. The Conſtitutions of *Moſes* had divided the whole Land,

Mor. Phil. iii. 21.

Numb. xviii. 20.

Land, and therewith the whole Power and Property of the Holy Land, among the People, and their Title was made by expreſs Law hereditary, and unalienable; and yet by the Plan made by our Author for *Joſeph*, the whole Power and Property of *Egypt* were divided between the Prieſthood and the Crown, and the People had no Share in either.

In the ſuppoſed Plan of *Joſeph*, there is not the leaſt Appearance of a Theocracy; no mention ſo much as of an Oracle, to direct any of the Councils or Acts of Government: On the contrary, the Oracle of *Jupiter Ammon*, which is the firſt that appears among the *Egyptians*, was not, according to our Author's own Account, older than the Days of *David* and *Solomon*, and therefore could not poſſibly be made uſe of in the Days of *Joſeph*; and yet our Author takes this to have been the Riſe and Original of the *Moſaic* Theocracy, when neither did *Joſeph* make any Plan, nor could *Moſes* form his Plan after one, which is almoſt in every thing oppoſite, and contrary to it.

I need ſay very little to another Fable the M. P. has taken up from *Manetho*, and others who have followed him, that the Shepherds driven out of *Egypt* were the *Iſraelites* under the Conduct of *Moſes*. Two Pages of the illuſtrious Sir *Iſaac Newton*, are an unanſwerable Refutation of that Miſtake: "He obſerves, from *Diodorus Siculus*, that in *Egypt* there were formerly Multitudes of Strangers

Newton's Chron. 204, 205.

" Strangers of ſeveral Nations, who uſed fo-
" reign Rites and Ceremonies in worſhip-
" ping the Gods, for which they were ex-
" pel'd *Egypt*; and under *Danaus*, *Cadmus*,
" and other ſkilful Commanders, after great
" Hardſhips, came into *Greece* and other
" Places; but the greateſt Part of them came
" into *Judæa*, not far from *Egypt*, a Coun-
" try then uninhabited, and deſart, being
" conducted thither by one *Moſes*, a wiſe
" and valiant Man, who, after he had poſ-
" ſeſs'd himſelf of the Country, among other
" Things, built *Jeruſalem* and the Temple."
" Here, ſays our illuſtrious Author, *Diodo-*
" *rus* miſtakes the Original of the *Iſraelites*,
" as *Manetho* had done before him, con-
" founding their Flight into the Wilderneſs,
" under the Conduct of *Moſes*, with the
" Flight of the Shepherds from *Miſphrag-*
" *muthoſis*, and his Son *Amoſis*, into *Phœni-*
" *cia* and *Afric*."

Now that *Manetho* muſt have been under a Miſtake, with reſpect to *Moſes*, and the Original of the *Iſraelites*, is evident, or all the reſt of the Account muſt be falſe: Here are three Chronological Marks to fix the Time of the Flight of the Shepherds, abſolutely inconſiſtent with the Time when *Moſes* led the *Iſraelites* out of *Egypt*; for this Flight of the Shepherds was in the Times of *Amoſis* King of *Egypt*, of the Settlements of *Danaus* and *Cadmus* in *Greece*, and of the building of the Temple at *Jeruſalem*. Sir *Iſaac* has ſhewn, with

with an Evidence hardly to be expected in a Point of ſo diſtant Hiſtory, that the Reign of *Amoſis*, Father of *Ammon*, the Settlements of *Danaus*, *Cadmus*, and others in *Greece*, fell in near with the building of the Temple of *Solomon*, and ſo about the Time of the firſt Kings, which it will be paſt our Author's Skill to ſettle in the Days of *Moſes*. If then theſe Chronological Marks are true, they demonſtrate *Manetho*'s Miſtake with reſpect to *Moſes*, and the Original of the *Iſraelites*; if they are not true, it utterly deſtroys the Credit of *Manetho*, and of his whole Hiſtory, and with it all the Moral Philoſopher's fine Reaſonings upon it.

I have thought it not improper to point out theſe few palpable Errors, among many others, in this romantick Account of the Origin of the *Iſraelites*, and their Theocracy; but it will hardly be worth while to enter into a further Confutation of it. I proceed therefore to what the M. P. ſeems chiefly to aim at with reſpect to the Diſſertation on the *Hebrew* Government, which is to vindicate in ſome meaſure the very extraordinary Account he had given of the *Levitical* Revenues, to repreſent the Proviſion made for that Tribe an heavy Oppreſſion of all the other Tribes, and that *Moſes* had knaviſhly deſign'd to draw the Power and Wealth of the Nation into the Hands of his own Family by it. I therefore endeavour'd a truer Account of the *Levitical* Revenues, than I thought

our Author had given; with what Succeſs the Reader is left to judge: That it was with ſome Succeſs, I have reaſon to hope, from the very conſiderable Articles our Author himſelf is pleaſed to allow in his new Account, were overcharg'd in his firſt.

Before we examine his new Account, it will be proper to ſettle old Accounts as well as we can. The M. P. in his firſt Account had charg'd, as Part of the *Levitical* Revenues, a Poll-Tax, which, according to his Computation, amounted to One Million Two Hundred Thouſand Pounds a Year, and would have amounted, in the ſeveral Payments from *Moſes* to the Deſtruction of *Solomon*'s Temple, to no leſs a Sum than a Thouſand Millions Sterling: This very extraordinary Article our Author is pleaſed himſelf to ſtrike out of his Account, as an Over-

Mor. Phil. V. iii. 294. charge; for he tells Dr. *Leland*, "As to the "Poll-Tax which I have mentioned, I think "the Author has juſtly excepted againſt it; "and as I am not, on ſecond Thoughts, ſa-"tisfied with it myſelf, I freely give it up."

There was another very extraordinary Article concerning the Proportion of the *Levitical* Cities to the Lands of the *Hebrews*: Tho' our Author is not for giving this Article up, yet he is pleas'd to allow a very great Abatement. In his firſt Account he ſays,

Heb. Gov. 108. "The Lands of the *Levites* would ſeem to "amount to a ſeventh Part, however he "charges them as a tenth." But in his new

Account

Account he does not inſiſt on a tenth, or a twentieth, or even a thirtieth Part, but himſelf ſettles it at a thirty-third Part. This Abatement is too conſiderable to be overlook'd; by it our Author allows, that in his former Account he had overcharg'd the Proportion of the *Levitical* Lands above two thirds, or a tenth, inſtead of a thirty-third Part, equal to charging ten Pounds inſtead of three Pounds on every hundred Pound *per Annum:* So that the Over-reckoning in thi Article alone, amounted to the Value of ſeven Pounds a Year on every hundred Pound a Year throughout the whole *Hebrew* Territory, which at twenty-five Years Purchaſe is equal to an Over-charge of One hundred ſeventy-five Pounds on every hundred Pound *per Annum*; a very great Sum on the whole Land. Mor. Phil. V. iii. 348

Nor is this Abatement, great as it is, half what our Author ought to have made, as will clearly appear, on a little Examination of his new Account. The Moral Philoſopher firſt objects to my Computation of the Contents of the *Levitical* Cities, that I only meaſure the open Fields without the Walls, which was two thouſand Cubits every Way from the Walls without, as our Author ſays, but without any Proof. I had obſerv'd it was the Opinion of many learned Men, that the two thouſand Cubits were to be meaſured from the Centre of the Ground, and ſo from the Middle of the Cities. I had confirm'd Ib. 341.

this Opinion, by the Directions of the Law itſelf; *And the Suburbs of the Cities, which ye ſhall give the Levites, ſhall reach from the Wall of the City and outward a thouſand Cubits; and ye ſhall meaſure from without the City on the Eaſt Side two thouſand Cubits.* The Meaning of which Law I thus underſtood, that theſe different Meaſures could not be meant of one and the ſame Meaſure, to and from the ſame Places; that the firſt Meaſure ſeems to have been directed from the Wall outward to the End of the Suburbs, and this Meaſure was a thouſand Cubits; that the other Meaſure was *from without the City*, and ſo from the End of the Suburbs inward, or into the City, and that Meaſure was two thouſand Cubits: But, ſays our Author, "To make two Stations, one from the Wall, "the other from the Centre of the City, "when both are order'd to be taken from "the Wall, is very abſurd:" But where will the Abſurdity lie, if there is no Order to take both Meaſures from the Wall? Let the Reader truſt his own Eyes: In the fourth Verſe there is an expreſs Order to meaſure from the Wall of the City, and outwards, only a thouſand Cubits; in the fifth Verſe there is an Order to meaſure from without the City two thouſand Cubits, without mention of the Wall at all: And indeed it would have been very abſurd, to make the Meaſure from the Ends of the Suburbs to the Wall to be twice as long as from the Wall to the Ends

Numb. xxxv. 4, 5.

of

of the Suburbs. The Reader will alſo obſerve the Words of the Text are directly contrary to his Suppoſition, that the two thouſand Cubits were from the Walls outwards to the Boundaries of the Suburbs, and the thouſand Cubits from the Wall inwards to the Centre or Middle of the City; when the Text is expreſs, that the thouſand Cubits (not the two thouſand) are to be meaſured from the Wall of the City and outward, and the two thouſand Cubits (not the thouſand) are to be meaſured from without the City, or inwards.

Notwithſtanding then our Author's Criticiſm on the Directions of the Law, my Computation of the *Levitical* Cities, at Fifty-two thouſand eight hundred and forty Acres, ſtands right; and this Proportion to the *Hebrew* Lands, at the loweſt Computation, is ſo far from a ſeventh, or a tenth, or a thirty-third, that it is not quite one in two hundred.

Our Author might indeed have ſpared himſelf and me on this Article; for tho' I think that Computation to be juſt, yet to make my Argument leſs exceptionable, I had allow'd two thouſand Cubits for the Cities, over and above the Suburbs, and computed on the Foot of One hundred and ten thouſand Acres, ſo very near our Author's own Account of One hundred and eighteen thouſand eight hundred and ninety, that there need not have been any Difference on this Account. On this State of the *Levitical* Cities I had ſhewn,

that on the loweſt Computation of the Lands of *Canaan*, they would not have been more than one in a hundred; our Author in his new Account charges them at a thirty-third: This, you will ſee, calls for a great Abatement.

Mor. Phil. V. iii. 343, 345. Our Author firſt thinks that the *Hebrew* Lands, with which the Lands of the *Levites* are to be compared, ſhould be only ſuch Lands as they actually conquer'd and poſſeſs'd. He propoſes therefore to compute, as exactly as he can, the whole Extent of the Country, and then to throw out all that belong'd to the *Philiſtines*. Since our Author is pleaſed to take this Way, let us follow him, for we ſhall find many Errors to be corrected in this Part of his Account.

There is ſomething very obſervable on our Author's firſt ſetting out on this Computation, which ſeems a little too artful for a fair and open Account. He makes uſe of Mr. *Whiſton*'s Map, as the lateſt and moſt correct. Mr. *Whiſton* had in that very Map eſtimated the Land of *Canaan* at almoſt Twenty thouſand eight hundred ſquare Miles, equal to thirteen Millions of Acres, which is above a Million ſeven hundred thouſand Acres more than I made my Eſtimates from: So far was I from making it five or ſix times more than it really was, for which Reaſon however it

ib. 344. ſeems our Moral Philoſopher would willingly take me for his Surveyor, if he had an Eſtate to meaſure.

However,

However, our Author does not chuſe to go on Mr. *Whiſton*'s Eſtimate: He meaſures in his own Way, firſt a Part of the Country only, from the *Mediterranean* to *Jordan*, and from *Tyre* to the River of *Egypt*, at One hundred and eighty Miles in Length, and ſeventy in Breadth, which gives Twelve thouſand ſix hundred ſquare Miles for the Contents of that Part of the Country.

I ſhall but juſt remark at preſent, that he aſſigns to the *Philiſtines* thirty Miles in Breadth, on the whole Length of One hundred and eighty Miles, for no better Reaſon, than becauſe one City of the *Philiſtines* was thirty Miles Eaſt of the *Mediterranean*; from whence he concludes, that Five thouſand four hundred ſquare Miles of the Twelve thouſand ſix hundred ought to be aſſign'd the *Canaanites* as their Poſſeſſion. What a ſlender Foundation is this, to take away ſo conſiderable a Proportion of Lands Weſt of *Jordan* from the *Iſraelites*, and give them to the *Canaanites?* Might not one ſtrong City of the *Philiſtines* be advanc'd beyond the Line of their Territory? Might not the Confederate Lords of the *Philiſtines* have a more conſiderable Territory than others of their Neighbours? This is a Grant of our Author's, without ſufficient Reaſon, or any Voucher at all. But ſuppoſing for the preſent, with our Author, that Five thouſand four hundred ſquare Miles ſhould be aſſign'd the *Philiſtines*, ſhould not, think you, the Remain-

der of the Twelve thouſand ſix hundred, or Seven thouſand two hundred, be the Poſſeſſion of the *Hebrews*, then the Proportion between them would be as four to three.

Our Author cannot afford to paſs ſuch an Account as this. He proceeds therefore to draw up his Account in a very different manner, but in ſuch a Manner as, I believe, was never offer'd to the Examination of the Publick before.

" From *Beerſheba* to the End of the Wil-
" derneſs Southward, our Author adds, was
" twenty-ſeven Geographical Miles, or thir-
" ty-two *Engliſh* nearly, which multiplied
" by ſeventy the common Breadth, give
" Two thouſand two hundred and forty
" ſquare Miles; and this was poſſeſs'd by
" the *Canaanites* of the Southern Plains,
" which the *Iſraelites* could never drive out."

What then, had the *Iſraelites* no Poſſeſſions at all in this Part of the Country? It is fit our Author ſhould know, when he charges ſuch large *Items* as theſe: He ought not to expect the World will be ſo complaiſant as to take his own bare Word for it, without the leaſt Pretence of a Voucher to warrant it.

348. But to let that paſs; What uſe will our Author make of this *Item?* Why, ſays he, this Two thouſand two hundred and forty, added to the Five thouſand four hundred before, as the Content of *Philiſtia* and *Zidonia*, make Seven thouſand ſix hundred and forty ſquare Miles: This, which the *Iſraelites* never

never conquer'd, or had in Poſſeſſion, is to be ſubſtracted from the Twelve thouſand ſix hundred ſquare Miles, the Content of the whole Land, and the Remainder Four thouſand nine hundred and ſixty, will be that Part of *Canaan*, which the *Iſraelites* poſſeſs'd in *Canaan*, properly ſo call'd, or the Weſt Side of *Jordan*, and the Dead Sea, between that and the *Mediterranean*.

The Reader perceives now, I believe, the ſurpriſing Uſe our Author makes of his own Manner of Computation; and will wonder, I doubt not, to ſee Lands South of the River of *Egypt* reckon'd as Lands North of the ſaid River, and no leſs than Two thouſand two hundred and forty ſquare Miles, ſubſtracted from the Twelve thouſand ſix hundred, of which they are manifeſtly no Part at all.

The Twelve thouſand ſix hundred ſquare Miles, upon our Author's own Allowance of three Sevenths to the *Canaanites*, or thirty Miles in ſeventy of Breadth, muſt leave four Sevenths to the *Iſraelites*; a Diviſion on this Proportion gives Seven thouſand two hundred ſquare Miles to the *Hebrews*, and Five thouſand four hundred to the *Canaanites*. Now this Proportion between the *Hebrews* and the *Canaanites* can never be altered by any Conſideration of Lands in another Country, and another Place. Suppoſe our Author had given the *Canaanites* Twelve thouſand ſquare Miles any where in *Egypt*, or *Babylon*, would this have

have taken away from the *Hebrews* any Lands they had in *Canaan?* or would it have added any Lands to what the *Philiſtines* poſſeſs'd in *Canaan?* The Inhabitants then North of the River of *Egypt*, would have juſt the ſame Proportion of Lands in that Country, whoever poſſeſs'd the Lands South of the River, which had no more to do with the Lands North of the River, than any of the Lands about *Thebes* or *Memphis.*

The true Uſe our Author ought to have made of the Contents of the Land South of the River of *Egypt*, was to have added the Two thouſand two hundred and forty to the Twelve thouſand ſix hundred, and ſo have made Fourteen thouſand eight hundred and forty ſquare Miles, the Contents of the whole Country, both North and South of the River, and then to have divided it between the *Hebrews* and *Canaanites*, in the Proportion of three to four. Thus the *Canaanites*, in our Author's Proportion, would have had Six thouſand three hundred and ſixty, and the *Hebrews* Eight thouſand four hundred and eighty. It is by an egregious and palpable Error, by adding to the *Canaanites* Lands North of the River what ought not to be added to them, and by ſubſtracting from the *Hebrew* Lands, North of the ſaid River, what cannot be ſubſtracted from them, that our Author concludes the *Hebrews* had no more than Four thouſand nine hundred and ſixty ſquare Miles in the Country between

Zidon

Zidon and the River of *Egypt*; yet this alone is an Error of very near one half.

But this is not the only Uſe our Author makes of this falſe Account: He attempts to cook up another Account full out as erroneous and fallacious upon it. Having endeavour'd to perſuade his Readers, that the Proportion of the *Hebrew* Poſſeſſions was to that of the *Canaanites* as five to nineteen; whereas on our Author's own way of reckoning truly ſtated, it was as four to three. He proceeds to ſtate the Proportion of the Eaſtern *Hebrews* on that moſt erroneous Suppoſition: He gives therefore to the *Hebrews* no more than One thouſand three hundred and ten ſquare Miles, which added to Four thouſand nine hundred and ſixty, he aſſures us gives Six thouſand two hundred and ſeventy for the whole Area, or Quantity of Land inhabited by the *Iſraelites* on both Sides *Jordan*. 348.

Our Author had computed Twelve thouſand ſix hundred ſquare Miles from *Zidon* to the River of *Egypt*, and Two thouſand two hundred and forty South of that River, in all Fourteen thouſand eight hundred and forty, there will remain for Eaſt *Canaan*, or the Content of Lands from *Jordan* Eaſtward to the Mountains of *Abarim*, Five thouſand nine hundred and ſixty ſquare Miles, to make up the Twenty thouſand eight hundred, Mr. *Whiſton* reckons the Content of all *Canaan*, which the Moral Philoſopher has choſen to follow. Now if this be divided between

between the *Canaanites* and *Hebrews*, according to our Author's own Proportion in Weſtern *Canaan* of three to four, the *Hebrews* would have had for their Proportion of four Sevenths, Three thouſand four hundred and ſix, and the *Canaanites* Two thouſand five hundred and fifty-four nearly for their three Sevenths: Now add theſe Three thouſand four hundred and ſix to the Eight thouſand four hundred and eighty, as ſettled above, and the *Hebrews* would have for their Poſſeſſion Eleven thouſand eight hundred and eighty-ſix ſquare Miles, equal to Seven million ſix hundred and ſeven thouſand ſeven hundred and ſixty Acres, allowing the *Canaanites* three Sevenths of the Whole: Now this Proportion of the Lands of the *Hebrews*, to the *Levitical* Cities, inſtead of giving a thirty-third to the *Levites*, will not give them a full ſixty-third: So that as our Author has already corrected his firſt Account, by cutting off two Thirds, he muſt again mend his ſecond Account, by cutting off one Half more, and reduce his thirty-third to a ſixty-third.

There are ſtill further Exceptions to be made to this Account.

I had mentioned before, that the Proportion of the Lands in *Canaan* given to the *Philiſtines* by our Author, was a free Gift of his own, without any ſufficient Voucher: Let us now obſerve, this Grant is attended with much greater Difficulties than perhaps

our

our Author was aware of, when he made it.

Caſt your Eyes over Mr. *Whiſton*'s Map, and ſee how much of the Tribes of *Aſher*, half Tribe of *Manaſſeh*, *Ephraim*, *Dan*, and *Simeon*, are given to the *Canaanites* by our M. P. as being within thirty Miles of the *Mediterranean*: How very ſtrait muſt the remaining Portion of theſe Tribes have been; they could not poſſibly have ſubſiſted on it, but muſt have been forced, for the bare Neceſſaries of Life, to have retir'd and canton'd among the other Tribes, whoſe Lots fell to them further from the Sea. Now if this had been hiſtorical Truth, and not meer Imagination, would there not have been one Inſtance of Complaint from ſome of theſe Tribes, that they had indeed a Lot and Portion aſſign'd them in the promiſed Land, but it ſo fell out, that the *Philiſtines* kept Poſſeſſion againſt 'em, and therefore they muſt deſire ſome Portion in another Place, where they might live, ſince they could not live in that Place which the Lot had aſſign'd to them? Would there not have been ſome Intimation, at leaſt, that they were received by the other Tribes, and lived among them, when they could not live as Tribes by themſelves, and in a Country of their own? And yet the Hiſtory of the *Hebrew* Nation always ſuppoſes them to live by themſelves, and as diſtinct Tribes, in their proper Lot and Portion of Land. This is a very ſtrong Preſump-

tion, that our Author's Allowance to the *Canaanites* is not only without Foundation, but irreconcileable to the Truth of Hiſtory. There is yet another very material Difficulty in this Grant of the Moral Philoſopher to the *Canaanites*, that he has hereby given them a conſiderable Share of the *Levites* Lands, as well as of the other *Hebrews*, for many of the *Levitical* Cities were within the Line he has aſſign'd for the *Canaanites* Poſſeſſion.

343. He aſſerts, indeed, that the Spiritualty had their Share in preſent actual Poſſeſſion, whereas the other Tribes had theirs only in Hope, and in the mean time were ſent a grazing to encamp in the Fields on all neceſſary Occaſions, and to get their Allotment afterwards as well as they could by the Sword: but this Obſervation of our Author, as well as ſome we have already ſeen, is a little defective in a Circumſtance or two of Truth.

For the *Levites* had not a preſent actual Poſſeſſion of their Cities: *Gibbethon*, for inſtance, was one of the *Levitical* Cities, in the Tribe of *Dan*, yet *Gibbethon* was ſo long in the Hands of the *Philiſtines*, as to be diſtinguiſh'd in the Days of the Kings as a Part of the *Philiſtines* Poſſeſſion; ſo that it was call'd *Gibbethon* of the *Philiſtines*, or which belonged to the *Philiſtines*. Even *Hebron* itſelf, the chief City of the Prieſts, was not in preſent actual Poſſeſſion. The Diviſion of the Land was made by *Joſhua* at *Shiloh*; but it was after the Death of *Joſhua*, that

Joſh. xxi. 23.

1 Kings xvi. 15.

Joſh. xxi. 2.

that *Judah* went againſt the *Canaanites* that dwelt in *Hebron*, and took it. I ſhall only add, that *Nob*, the City of the Prieſts, ſo famous for the Cruelty and Revenge of *Saul*, in the Maſſacre of *Ahimelech* and his Family, was many Miles within the Line aſſign'd by our Author the Boundary of the *Canaanite* Territories; as were many other of the *Levitical* Cities. It ought not then to be taken for granted, that the *Levites* were in actual Poſſeſſion of their forty-eight Cities, when the *Iſraelites* never had more than half of their Country, and ſo could have but one half of their Towns and Cities; eſpecially the M. P. has no right to take this for granted, when many of them were ſituated in that Part of the Country which he himſelf has been pleas'd to grant away to the *Canaanites*.

Judges i. 10.

It is of very little Importance what the Number of Cities in the whole Country of *Canaan* might be, were they more or fewer. When *Hebron* was given to the Children of *Aaron*, the Fields of the City, and the Villages thereof, were given to *Caleb*. The Villages were full out as convenient and uſeful, likely more ſo, for Perſons employ'd in Huſbandry, and the Management of their Farms, than large Cities. To make any Computation of the Buildings of *Canaan*, the Villages and ſmall Towns muſt be accounted for, as well as the Cities: ſo that our Author's reckoning only Four hundred and

Joſh. xi. 12.

eighty Cities in *Canaan*, reducing them to one half, by granting away half of them to the *Canaanites*; and then ſtating the Proportion of the whole forty-eight *Levitical* Cities, as a fifth Part of Two hundred and forty, will appear a very defective and falſe Account, as upon other Reaſons, manifeſtly for this, that here is no Account at all of their Villages and leſſer Towns, ſo very great a Part of the *Hebrew* Habitations. The Proportion of Villages in *Judæa* was ſo great, as to be remarkable by the *Roman* Hiſtorians. *Tacitus* therefore obſerves, they were ſpread all over the Country: *Magna Pars Judææ vicis diſpergitur, habent & oppida.* How can then any Eſtimate of the *Hebrew* Buildings be made without taking them into the Account? After all, this whole Account of our Author is miſtated, and quite wrong in every Article: The Proportion of the Lands of the *Levites* ought to be ſtated, by what was divided as the Portion of each by *Joſhua*, and on no other Foot. Any Allowance therefore to the *Canaanites* at all, is more than ought to be made, for the Diviſion was made by *Joſhua*, according to the Contents of the whole Land, without any Conſideration of what the *Canaanites* poſſeſſed. It was not the Fault of *Moſes*, or the Conſtitution, that any *Canaanites* remained in the Land: It was the Fault of the *Iſraelites*, and a Breach of the Conſtitution, that any were

Tac. Hiſt. v. ſ. 8.

per-

permitted to do ſo. The real Queſtion is, Whether *Moſes* made an unequal Diviſion of the *Hebrew* Lands? Whether the Law deſigned ſuch an Over-proportion of Land in Favour of the *Levites*, as our Author aſſerts, in Prejudice to the other Tribes? It is an evident Fact, that the Diviſion was made on the whole Land, containing, according to Mr. *Whiſton*, whom our Author chuſes to follow, Twenty thouſand eight hundred ſquare Miles, equal to Thirteen Million of Acres. This was manifeſtly the Proportion *Moſes* and the Law deſigned between the Lands of the *Levites* and of the other *Hebrews*. By this then, and this only, the Juſtice, the Equity, the Wiſdom of the Law, are to be determined; *Moſes* is only accountable for this Proportion: So that after all the Pains the M. P. has taken to ſtate this Queſtion upon a different Foot, it is for that very Reaſon quite beſide the Purpoſe, and no ways affects *Moſes*, or his Laws. We muſt interpret the Meaning of Laws, by the Laws themſelves, and not explain their Intention by any Miſcarriages, be they what they will, in the after Execution of them. *Moſes* then gave the *Levites*, even according to our Author's own largeſt Account of them, no more than One hundred and eighteen thouſand eight hundred and ninety Acres, upon a Diviſion of no leſs than Thirteen Million of Acres among the *Iſraelites* by Lot. This, in-

ſtead of a thirty-third, a tenth, a ſeventh, a fifth, as our Author in ſeveral Places eſtimates it, is indeed not fully one in a hundred and nine.

Our Author promiſes to cut the Argument ſhort, with reſpect to the Tythes, or the Proportion aſſigned the *Levites* on the Produce of the Land: This he has done ſo effectually, by leaving out ſeveral Things ſo material to the true State of the Queſtion, that on the Foot he has now ſet it, it is ſo looſe, confuſed, and defective, that it is hardly poſſible to ſee the true State of the Caſe in queſtion at all.

It had been ſhewn concerning the Revenues of the *Levites*, that their proper Proviſion conſiſted in two Articles, in forty-eight Cities for Habitation, and in a Tythe on the Produce of Fruit and Cattle: That the Revenue of the Firſt-born, and occaſional Offerings, was no Part of the *Levites* Portion, and whatever it amounted to, was appropriated to the Uſes of the Tabernacle, for the Buildings, Repairs, Ornaments, Sacrifices, and other publick Expences; by all which the *Levites* were never the richer. To this our Author, to cut his Argument ſhort, ſays nothing, yet continues to confound his new Account, by ſlipping in theſe Articles, and charging the Firſt-born on the Paſture Lands at half a Tenth, and the reſt of the Offerings at another half Tenth, and both together as a full Tenth on all the Lands. But this whole Article muſt be quite

cut

cut off, as not belonging to the Tribe of *Levi* at all: and this diſcharges one Tenth, or one half of his whole Account of the *Levitical* Revenue by Tythes. As to the other half of his Account, or general Tenth on Fruit and Cattle, it had been ſhewn, with reſpect to the Cattle, and ſo to the Paſture Grounds, which, according to our Author, were the richeſt Lands, and the higheſt Rents, that this Tythe was only a Tenth of the Young of the Cattle; ſo that when a tenth Lamb, Calf, *&c.* was paid, the Remainder paid nothing more in Wool, Milk, or for Herbage, how many Years ſoever they were fed, for any Uſe, which muſt be very many that paid nothing, conſidering they were applied to all Uſes of Huſbandry and Carriage: So that a Tenth of the Young only of the Cattle, muſt be very ſhort of the tenth Part of the Value of the Herbage, on which all the Cattle, for all the Uſes of the whole Country, were fed.

It had been ſhewn alſo, that the whole Land of the *Hebrews* was not tytheable. No Woodlands, Timber, or *Sylva Cædua*, paid any Tythe; to which alſo our Author ſays nothing. It appears then ſtill, notwithſtanding any thing our Author has ſaid, or we may now well ſuppoſe he can ſay to the contrary, that the greater Part of the Land in Quantity, and the richeſt Produce in Quality, did not pay to the *Levites* a full Tenth, tho' he continues ſtill to charge it at a Fifth.

There is yet remaining another Omiſſion in this new Account of our M. P. which makes it moſt defective, and very erroneous.

A very conſiderable Part of theſe Tythes had been purchaſed by the *Levites* for a valuable Conſideration, and were their proper Eſtate, as much as an Annuity paid by the Government, for a Sum of Money advanc'd by the Annuitants, for the Service of the Publick. This was eſtimated at near Six Pound Thirteen Shillings, in every Ten Pound they received for Tythe; ſo that the Tythe amounted to no more than Three and an half *per Cent.* above their own Property.

It had been alſo ſhewn, that the *Levites* in the Purchaſe of their Annuity had given the Publick the whole annual Produce, not an annual Rent only; whence it appear'd our Author's Diſtinction between an annual Rent and an annual Produce was very little to the Purpoſe. For if the *Levites* had kept their Lands in their own Hands, they would have had the whole Produce of them as their Property: And if they had obtain'd their Share of Land in the ſafeſt and richeſt Parts of the Country, they muſt have made a very weak Bargain, as our Author has contrived the Matter, to exchange their Lands for an Annuity. Had it not been much more for the Profit of the *Levites*, to have kept Lands in their own Poſſeſſion, in the ſafeſt and richeſt Parts of the Country, than to have ſold them for

for an Annuity, when, according to our Author's Grant to the *Canaanites*, they were to pay the *Levites* above one half of their Annuity out of their Poſſeſſions: And if the Proportion of the *Hebrew* Lands to the Lands of the *Canaanites*, was as five to nineteen, one quarter of this Annuity only would be paid by their own Nation; yet our Author has made no Proviſion for the Recovery of the other three Quarters of the Annuity from the *Canaanites*, upon their Non-payment. Mor. Phil. V. iii. 348.

Our Author takes Notice, that the Tyther or Spiritual Lord pays nothing for Labour. So far is true concerning the *Levites*, that when they parted with the Poſſeſſion of their Lands to the Publick, the Publick took upon itſelf the whole Work of Huſbandry, as it was very fit and reaſonable it ſhould, when the Lands became their own private Property. But it is not true concerning the *Levites*, that they paid nothing to the Publick in Return: The *Levites* gave up their Time to other Services of the Publick, and freed the reſt of the Nation from thoſe Services to which the *Levites* were appointed in their Room. It was therefore a very equitable Caſe, that the Nation ſhould free the *Levites* in their Turn, from the Care of Huſbandry, that they might perform the National Services, to which they were appointed, and by which Appointment all the reſt of the Nation were freed from them.

Our Author has omitted, I ſhould ſay, ſuppreſſed, this whole Article in his Account: But I hope the Reader ſees it is ſo material, that he can never paſs a true Account without it.

The Law had ſaid, *Jehovah ſpake unto Aaron, Thou ſhalt have no Inheritance in their Land, neither ſhalt thou have any Share among them.* It appears from another Law, this was meant of the whole Tribe of *Levi, Wherefore Levi hath no Part nor Inheritance with his Brethren:* And yet our Author ſays it muſt be further conſider'd, " That this Spiritual " Tribe, or Hierarchy, were not limited by " the original Grant, ſo as never to increaſe " their Inheritance or Quantity of Lands:" For which Aſſertion we have only our Author's own Word. To which therefore it might be ſufficient to anſwer, that they were limited by the original Grant not to increaſe their Quantity of Lands. Yet as there is a Law, which ſome have underſtood, as if a Field devoted was appointed to be the Poſſeſſion of the Prieſts for ever, let the true Meaning of that Law be more diſtinctly conſider'd. The Words of the Law are theſe: *But the Field, when it goeth out at the Jubilee, ſhall be holy unto the Lord, as a Field devoted; the Poſſeſſion thereof ſhall be the Prieſts.*

Numbers xxviii 20.

Deut. x. 9.

Mor. Phil. V. iii. 353.

Levit. cus xxvii. 21.

The Queſtion is, What Poſſeſſion the Prieſts were to have in a devoted Field? According to this Law, *The ſanctifying a Field,*

17, 18, 19, 20.

or

or its being holy unto the Lord as a Field devoted, is distinctly explain'd to mean, that it was subject to the Payment of a Sum of Money, on the Payment of which it was redeemed, and returned to be the Property of its former Owner. The Possession of the Priests then in such Lands, was only as a sort of Mortgage, for the Payment of a Sum of Money, the Equity of Redemption always remaining with the Proprietor. Whatever Possession the Priests were to have by this Law, it ought to be understood consistent with the other Laws, that *Levi was to have no Part or Inheritance with his Brethren*; *and the Inheritance of the Children of Israel shall not remove from Tribe to Tribe*; *and the Land shall not be sold for ever*. It is observable, that this Field is suppos'd to *go out* at the Jubilee, *But the Field when it goeth out at the Jubilee*. This Law then directs how this Field is to *go out* at the Jubilee, but does not enact, it is *never to go out at all*, or that it was given in Mortmain to the Priests, and their Heirs for ever. The plain Intention of this Law seems to be this, that whereas at the Jubilee, Lands return'd to the Proprietors free, without Consideration of any Incumbrances they might be charged with before the Jubilee, yet a Field that was sanctified or devoted should, notwithstanding the Jubilee, still remain subject to the Price of Redemption: The Possession of it was to be the Priests, as

Numb. xxxvi. 7.

Lev. xxv. 23.

as before the Jubilee; the Equity of Redemption remaining alſo as it was before; ſo that in this Caſe the Jubilee neither extinguiſh'd the Claim of the Prieſts to a Price of Redemption, nor the Claim of the Proprietor to the Equity of Redemption.

This gives a clear Meaning to the Law, conſiſtent with the other Laws concerning Inheritances; when to ſuppoſe this Law gave a perpetual Inheritance to the Prieſts, is inconſiſtent with the other Laws, and even with this Law itſelf.

There is one thing more our Author often repeats, that the *Levites* were to the Number of the other Tribes, but as one to forty. This Aſſertion is founded upon the Number of the Male *Levites*, from a Month old and upwards, which came to Twenty-two thouſand, when the Number of the Males in the other Tribes amounted to Six hundred thouſand. Others beſides our Author have been miſled, I think, into a conſiderable Error, by miſtaking the Nature of this Poll; I ſhall therefore take this Occaſion to offer ſomething to the Reader, which, I hope, may ſerve to rectify this Miſtake. It is taken for granted by many, that this Poll of the *Levites* included all the Males, of what Age ſoever, from the eldeſt to the youngeſt; and therefore that there were no more Males in the whole Tribe of *Levi* than theſe Twenty-two thouſand. But on a cloſer Examination of the

Numb. iii. 39.

the Context, it appears to me quite otherwiſe, and that it includes only ſuch Males of the *Levites* as were under the Age of Service at the Tabernacle; and that all *Levites* above the Age of Service were not included in it.

It is at firſt View very improbable, that a thirteenth Tribe ſhould make but a fortieth Part of the other Twelve: But to let that paſs, there are concluſive Reaſons, in the Context itſelf, which require us to underſtand it with ſome reaſonable Limitations.

The Deſign of this Poll, was to ſet the Males of the *Levites* againſt the Firſt-born of the *Iſraelites*, *As the Lord had taken the Levites from among the Children of Iſrael, inſtead of all the Firſt-born.* Num. iii. 12. To anſwer then this Deſign, and to know how many of the Firſt-born of *Iſrael* were to be redeem'd, as being above the Number of the *Levites*, who were taken inſtead of them, there is an Order in the very ſame Words to take the Number of all the Firſt-born among the Children of *Iſrael*, and *all the Firſt-born Males, by the Number of Names, from a Month old and upwards, of thoſe that were numbered, of them were Twenty-two thouſand two hundred and ſeventy three.* ver. 43.

It is evident this Number from a Month old and upward, muſt be with a Limitation to ſome certain Age, and could not include the whole Six hundred thouſand of Military Age, together with all the Males who were under that Age; for if there were only Twenty-two

thouſand two hundred and ſeventy three Firſt-born, there muſt have been Five hundred and ſeventy-ſeven thouſand ſeven hundred and twenty-ſeven younger Sons, not including thoſe that were under Military Age, the Number of Fathers of Families being ſuppoſed equal to the Firſt-born: Hence every Marriage having a Firſt-born with younger Sons, would on this Reckoning give twenty-five Sons, and with a Proportion of Daughters, would give above fifty Children to every Marriage throughout all *Iſrael*; a Circumſtance, not only improbable, but highly incredible. Some Limitation therefore is neceſſary, which makes this Poll of the *Levites* no Foundation from whence to conclude any certain Proportion between them and the other Tribes.

There is beſides another Evidence in the Context, to confirm this Interpretation. The *Levites* are order'd to be number'd in another Manner, from thirty Years to fifty, all that enter into the Hoſt to do the Work in the Tabernacle of the Congregation; now this Number was Eight thouſand five hundred and eighty: Hence it will appear, if there were Eight thouſand five hundred and eighty *Levites* of an Age, between thirty and fifty, there muſt have been a far greater Number than Twenty-two thouſand of every Age: For if all the *Levites* of every Age were no more than Twenty-two thouſand, and yet the

Num. iv. 3.

the *Levites* between the Age of thirty and fifty, were Eight thouſand four hundred and eighty, it would be a Proportion never known in the World, and contrary to all Experience. There appears then no ſufficient Grounds from this Text, or from any other Reaſons I have ever met with, to fix the *Levites* at a fortieth Part, tho' the M. P. argues upon it all along, as if it was an evident Proportion, when there is no Reaſon to prove it, when there are ſeveral Reaſons to diſprove it.

To take Leave of our Author, I ſhall not enter far into an Examination of his Notion, " That the *Hebrews* had a Duality of Di- Mor. Phil. V.iii.354. " vine Perſons, or Objects of Adoration and " Worſhip, the one inferior and ſubordinate " to the other, which he thinks is evident " from all the Books of *Moſes*; or that be- " ſide *Jehovah Elohim*, they had the Angel " *Jehovah*; and that this Angel of *Jehovah* " was not *Jehovah Elſhaddai*, or the Su- " preme God, he adds, is too plain to be diſ- " puted with any the leaſt Appearance of " Reaſon." It may not, however, be improper to take notice how little Ground there is for any ſuch Notion, or therefore for any Conſequences our Author may deſign to draw from it.

I was not a little ſurpriz'd to find our Author ſo poſitive, in aſſerting what does not ſeem plain to himſelf in other Parts of his Argument, and of which I conceive he has given

given us a quite contrary Account in other Places of his Book.

Mor. Phil. V. iii. 314, 315.

He himſelf obſerves, " The Angel *Jehovah* had never been known under that " Name, till the Time of *Moſes*; for tho' " the ſame Angel had often appear'd, walk'd " up and down, and convers'd with Men " before, yet he had never till now taken " the Name of *Jehovah*, which was peculiar to the Supreme Being: But *Moſes* " now firſt deify'd this Angel, becauſe he " muſt have a local, tutelar, oracular God, " and could not have govern'd the World " without it." " And the *Iſraelites*, from " the Days of *Moſes*, believ'd their national " tutelar God to be *Jehovah*, or the Supreme God."

If it was ſo plain from all the Books of *Moſes*, that it cannot be diſputed with any the leaſt Appearance of Reaſon, as our Author is pleaſed to ſay in one Place, that the Angel *Jehovah* was not the Supreme God, how comes it to paſs, that our Author himſelf ſhould ſo plainly find in the ſame Books of *Moſes*, that he taught the *Hebrews*, and all the *Iſraelites* believed this their national tutelar God, to be *Jehovah*, or the Supreme God. Thus then, according to our Author, *Moſes* taught, thus the *Hebrew* Church believ'd, that their God, whom alone they worſhipp'd, was the Supreme God. Does it appear from hence, that all the Writings of

Moſes

Moſes plainly ſhew, and that it cannot be diſputed with any the leaſt Appearance of Reaſon, that the *Hebrews* had a Duality of Divine Perſons, Beings, or Objects of Adoration and Worſhip, the one ſubordinate and inferior to the other? Till our Author ſhall be pleaſed to anſwer himſelf, his Notion muſt remain, by his own Evidence, contrary to the Doctrine of *Moſes*, to the Faith and Worſhip of the *Hebrew* Church.

Moſes, it is plain, taught the *Hebrews* the God they worſhipp'd was *Jehovah*; that this *Jehovah* was one Being, not a Duality of Beings, one Object of Adoration and Worſhip, not two.

The Doctrine of *Moſes* was plainly this; *Hear, O Iſrael, the Lord our God is one Lord*, Deut vi. 4. in the original *Hebrew*, *Jehovah our Elohim is one Jehovah*; not according to our Author's groundleſs Imagination, two *Jehovahs*, one the Angel *Jehovah*, the other *Jehovah Elohim*. It is ſo conſtantly the Language of the *Hebrew* Church, that beſides *Jehovah their God, there is no God*; that they were to have *no other God before him*; or that they were on no Account to acknowledge or worſhip any *other God beſides him*, that it is needleſs to offer any thing in Proof of it.

Had our Author attended to one Meaning of the Word *Angel* in the *Hebrew* Language, he would likely have laid no Streſs at all upon what he uſes as the only Argument in Support

port of his Imagination, contrary to the Faith and Worſhip of the whole *Hebrew* Church, who worſhipp'd *no God but Jehovah*, who believ'd *Jehovah their God was one Jehovah.*

87. " But, ſays our Author, *Jacob* on his " Death-bed, while he is bleſſing his Sons, Geneſis xlviii. 15, 16. " and taking his Leave of them, he invokes " both God and the Angel diſtinctly and ſe- " parately, yet both the one and the other " directly and immediately." It is here taken for granted, that the Word *Angel* muſt mean ſome proper intelligent Being, or *Spirit*, and that therefore an *Angel of Jehovah* muſt mean a *diſtinct Spirit from Jehovah*; therefore, to be ſure, ſubordinate and inferior to *Jehovah*, whoſe Agent and Miniſter he is.

But our Author had not conſider'd, that according to the *Hebrew* Language, not only intelligent Beings or Spirits are called Angels, but moreover every thing that either notifies any Meſſage from God, or executes the Will of God; in particular, all *viſible Appearances in material Symbols* are called the *Angel of Jehovah.* Thus the Elements Pſ. civ. 4. of the World, Fire and Air, Winds and Storms, are, in the Stile of the *Hebrew* Language, Angels. In particular, the *Shechinah*, or material Symbol of Glory, and the Oracle, or audible Voice from thence, are in the *Hebrew* Stile, Angels of the Lord. Exod. iii. 2, 4. Thus the *Shechinah*, when *Moſes* ſaw the Fire in the Buſh, and the Oracle or Voice he

he heard from thence, are called the Angel of the Lord: For it was *Jehovah* himſelf who in this Appearance ſaw *Moſes*, and called upon him, himſelf indeed inviſible: So that the viſible Angel which *Moſes* ſaw, was the viſible Appearance, for that alone could be the Angel which appear'd *to the Sight of Moſes*. And thus the *Shechinah* which conducted the *Iſraelites* in the Pillar and Cloud of Fire, is called the Angel of the Lord: It is ſaid that *Jehovah went before them by Day in a Pillar of a Cloud, to lead them the Way, and by Night in a Pillar of Fire.* When this Pillar of Cloud changed its Place, and went from before their Face, and ſtood behind them, it is ſaid, *And the Angel of God which went before the Camp of Iſrael, removed and went behind them.*

Ex. xiii. 21.

xiv. 19.

It is by no means then neceſſary, that *Jehovah*, and the Angel of *Jehovah*, muſt needs mean two diſtinct *Spirits*, the one God himſelf, the other a miniſtring Spirit, or Guardian Angel; ſince it is plain, that when *Jehovah* himſelf appeared in a Cloud of Fire, that Cloud of Fire, or that viſible Appearance, the Symbol of his Preſence, was the Angel that appeared. I leave to the Reader to infer how much this takes off from our Author's only Argument to prove a Duality of Perſons, Being, or Objects of Adoration and Worſhip, the one inferior and ſubordinate to the other. This will alſo ſhew, what

little Reaſon our Author had, from any of theſe Appearances, to conclude, that *Jehovah*, the God of *Iſrael*, was a local, circumſcriptive, viſible, and oracular God. Where does he find, that *Moſes* ever taught, or the *Hebrew* Church ever believ'd, that *Jehovah* was properly either a local, circumſcriptive, or viſible Being. *Solomon*, who underſtood the Doctrines and Worſhip of the *Hebrew* Church much better than our Moral Philoſopher, thus ſpeaks of *Jehovah*, the Object of their Worſhip: *But will God in very deed dwell with Men on Earth? Behold, Heaven, the Heaven of Heavens cannot contain thee; how much leſs this Houſe which I have built! Hearken therefore unto the Supplications of thy Servant, and of thy People Iſrael, which they ſhall make towards this Place; hear thou from thy dwelling Place, even from Heaven; and when thou heareſt, forgive.*

2 Chron. vi. 18,21.

Does this Prayer of *Solomon* conſider *Jehovah*, the God of *Iſrael*, the only Object of their Worſhip, as a local circumſcriptive God, whoſe Preſence was confin'd to the Temple? Does it not in the ſtrongeſt Manner repreſent *Jehovah* the only Object of their Worſhip, as a Being whom the Heaven of Heavens could not contain, who was to hear in Heaven, his dwelling Place, the Prayers which ſhould be made to him at the Temple.

Jehovah is, in his own Nature as a Spirit, inviſible, and ſo is every other Spirit, for the ſame

ſame Reaſon, becauſe it is a Spirit, inviſible too: What can properly be viſible, is only ſome material Object of material Senſe and Sight. To ſee any Spirit whatſoever, muſt be a figurative and metaphorical Expreſſion, to diſcern by ſome Sign, Mark, or Effects, the *Preſence of a Spirit*. Thus the *Shechinah*, the known Place of the Preſence, or, according to the *Hebrew* Maſters, the *Locus preſentiæ & commorationis*, was local and circumſcriptive, viſible and oracular, when the Heaven of Heavens could not contain *Jehovah*, when no Eye had ſeen, or poſſibly could properly ſee the inviſible God, nor indeed any other proper Spirit, which may be ſuppoſed to repreſent him, any more than the inviſible God himſelf. If our Author, according to his Advice to me, will keep ſtrictly to the Nature and Conſtitution of the Law itſelf, he will find his Notion of I know not what Guardian Angel, a local, circumſcriptive, viſible, oracular God, is not only without Foundation, but directly contrary to the Doctrines of *Moſes*, to the Faith and Worſhip of the *Hebrew* Church.

I take occaſion to mention this Caution, the rather becauſe our Author has ſo very often forgot it in this Argument; to give one ſurprizing Inſtance of it. I had obſerv'd, *Moſes* made no Proviſion of Wealth or Power for his own Poſterity, but had barr'd them, by the Conſtitution, from having

ving any Share in the Honour, Power, or Wealth, even of the Prieſts; that they were made incapable of the Dignity and Authority of the High Prieſt, whatever that might be. Dr. *Leland* had made the ſame Obſervation, to ſhew the great Diſintereſtedneſs of *Moſes*, and how far he was from any worldly ambitious Views. This being an Obſervation in Favour of *Moſes*, the M. P. did not like, he is reſolv'd to remove it out of his Way; and the more effectually to do ſo, determines *Moſes* ſhall have no Poſterity to provide for. He therefore tells Dr. *Leland*, "That he doubts he has given a mere "Fiction of his own, as a Piece of true Hiſtory;" and roundly aſſerts, "That *Moſes* "had two Sons living, or any Iſſue or Deſcendant from them when he died, is not "ſaid; and the contrary is exceeding probable, and almoſt certain from the Story "itſelf." On this the M. P. proceeds to tell us another Story, much to this Purpoſe, "That *Moſes* divorc'd his firſt Wife, and "thereby diſclaim'd the Woman and her "Children:" And, as he continues his Tale, "When *Moſes* deſtroy'd the *Midianites*, "this was the Country in which *Moſes* had "been ſuccour'd, nouriſh'd, and generouſly "treated forty Years, from which he had "taken his Wife, and who muſt now have "periſh'd with her Children, and the whole "Family, as many of them as were now "remain-

Heb. Gov. 196.

Mor. Phil. V. iii. 333. 334.

" remaining; and now, I hope, adds the " M. P. I have furniſh'd our Author with a " *very clear Inſtance* of the perfect Diſintereſtedneſs, Gratitude, human Compaſſion, " and natural Affection of his Divine Conqueror." Will not the Reader receive this Tale with ſome Indignation, when he ſhall perceive that the Family of *Moſes* could not poſſibly have periſh'd with the *Midianites*, whom the *Hebrews* cut off, and when there is indiſputable Evidence that *Moſes* had a numerous Poſterity in the Days of *David*. For the *Midianites*, whom *Moſes* deſtroy'd, were a different People, deſcended from different Parents, inhabiting a Country far diſtant from the *Midianites*, who were *Jethro*'s Countrymen, from whom *Moſes* had taken his Wife. The *Midianites* whom *Moſes* deſtroy'd, were Inhabitants of *Canaan*, to the Eaſt of *Jordan*, where the *Hebrew* Army then was. The *Midianites* of *Jethro* were Inhabitants of *Arabia*, to the Eaſt of the *Red Sea*; ſo that the whole Deſert of *Arabia* to the South, and a conſiderable Length of the Eaſtern Courſe of the *Red Sea*, were between the *Hebrew* Army and them. This our Author might eaſily have known, a very eminent Deſcription of the Geography of the Antients having particularly pointed it out. I ſhall give the Reader the very Words, that it may not paſs for a Fiction, at leaſt of my own; *Vides hinc duas urbes, nomine Madian,*

Calmet. Madian.

Cellarii Geo. Ant. V. ii. 677.

dian, ſive Midian, a gente ſua, in duas partes diviſa, vel illius auctore, ita nominatas; una fuit in meridie, poſt rubrum mare, altera ab oriente, ad Moabitin, & Arnonem: Prioris *fuit uxor Moſis Zippora*; Poſterioris *Madianitides, Iſraelitas in ultima manſione, ad fœdas voluptates, & idololatriam inlicientes.*

As to the Fact that *Moſes* left Poſterity, in direct Contradiction to our Author's Aſſertion, "That ſo cruel and blood-thirſty a "Man was not ſuffer'd to live in his Poſte-"rity, or ſurvive himſelf in his Iſſue," it is evident from the Records of the *Hebrew* Hiſtory: *Now concerning Moſes the Man of God, his Sons were named of the Tribe of Levi* [or they were polled among the *Levites*, when *David* took this Poll,] *The Sons of Moſes were Gerſhom and Eliezer: Of the Sons of Gerſhom, Shebuel was the Chief. And the Sons of Eliezer were Rehabiah the Chief: And Eliezer had no other Sons; but the Sons of Rehabiah were* VERY MANY. The Poſterity of *Moſes* were moreover in the ſame Reign of *David*, Receivers of the Treaſures of the Dedicate Things; and he had then a ſurviving Poſterity from both Sons: *And Shebuel the Son of Gerſhom, the Son of Moſes, was Ruler of the Treaſures: And his Brethren by Eliezer; Rahabia his Son, and Jeſhaiah his Son, and Joram his Son, and Zichri his Son, and Shelomith his Son: Which Shelomith and his Brethren were over all the Treaſures of*

1 Chron. xxiii. 14, 15, 16, 17.

xxvi. 24, 25, 26.

of the Dedicate Things. I ſhall leave it to the Reader to determine, how far a Tale ſo circumſtanc'd as this is reconcileable to Morality.

Laſtly, our Author propoſes, "Whether "ſuch a Scheme of Government was not de- "ſigned and calculated for univerſal Empire "and Dominion, or to enſlave all Mankind "to this Nation." If our Author will keep ſtrictly to the Nature and original Conſtitution of the Law itſelf, and not barely ſhew, I do not ſay his Reading, but, his extraordinary Invention, by amuſing us with his own Imaginations inſtead of Hiſtory, he may perceive no ſuch Deſign appears; that every ſuch Attempt was impracticable by the Conſtitution: For neither could the Religious or Civil Conſtitution admit of a large Empire, or univerſal Dominion. 356.

How, for Inſtance, could all Mankind have come up three Times a Year to *Jeruſalem*, to worſhip there? How could all occaſional Sacrifices have been offer'd on one Altar, in one particular Place? How could the Prieſts of Levites have had their Reſidence, or perform'd the Duties of their Office at the Temple or Tabernacle, according to the *Hebrew* Conſtitution, when diſpers'd all over the World? To which of the Tribes muſt new Conqueſts have belong'd? Under whoſe provincial Government muſt they have been placed? How could Colonies or Forces

have been ſent out of the Holy Land, to keep in Subjection, and govern any new Conqueſts, that might have been made agreeable to the Conſtitution of the Tribes of *Iſrael*, which were all local, and bound by the Conſtitution to the *Lot of their Inheritance?* Whatever Conqueſts might have been made by Kings, to be kept in Subjection, as the other Empires did their Conqueſts, muſt ſoon have broke in on the Balance of the provincial Government of the Tribes, and have ended in a total Subverſion of the *Moſaical* Plan of Government. Whoever then will conſider the *Hebrew* Government ſtrictly, according to the Nature and original Conſtitution of the Law itſelf, as our Author adviſes, will have Reaſon to conclude, that the Deſign of it was to keep this Nation a diſtinct People from other Nations, to preſerve the Belief and Worſhip of the one True God, againſt Idolatry, in particular from the Worſhip of Demons, as Guardian Angels, Protectors of Mankind, and Inferior Gods. That *Jehovah* the Supreme God was their God, the only Object of their Worſhip, the Protector of this People, and would continue to be ſo, if they obey'd his Laws. Then they might hope with the Continuance of the true Religion, the Continuance of their Civil Conſtitution, to enjoy National Liberty, Peace, and Proſperity, from a powerful and kind Protection of Providence. But the whole

Plan

Plan of the *Hebrew* Government was inconſiſtent with an univerſal Empire: It muſt have been new form'd and model'd on a quite contrary Plan, before it could encourage the *Iſraelites* to make any Conqueſts, or before they could have been able to maintain them, if at any time they can be ſuppos'd to have made them: For a ſtrong Army or Colony of *Hebrews*, out of their own Country, would have been inconſiſtent with the eſſential Laws of their Conſtitution, and muſt very ſoon have ended in the utter Subverſion of it.

F I N I S.

CONSI-

CONSIDERATIONS

On the Reverend

Mr. *Foſter*'s Diſcourſe

ON THE

JEWISH THEOCRACY.

VOL. III. SERM. XV.

By MOSES LOWMAN.

CONSIDERATIONS

On the Reverend

Mr. *Foſter*'s DISCOURSE

ON THE

JEWISH THEOCRACY.

MR. *Foſter*, in explaining the Law of the Decalogue, [*I am the Lord thy God, who have brought thee out of the Land of* Egypt, *out of the Houſe of Bondage.* —— *Thou ſhalt have no other Gods before Me.*] has taken an Occaſion to obſerve, that " ſome carry their Notion of the *Moſaic* Oeconomy, as a political Scheme, " much too far, imagining this Law to be " here inſerted for Reaſons derived from " the particular Conſtitution of Government " among the *Jews*, and therefore peculiar " to them alone." Exod. xx. Vol. III. p. 367. 361.

Concerning the Laws of the Decalogue, Mr. *Foſter* himſelf obſerves, " They were

" immediately and directly given, *only* to
" the *Iſraelitiſh* or *Hebrew* Nation. From
" whence it unavoidably follows, (he infers)
" that the Precepts therein-contained, ob-
" lige *all Mankind* no further than as they
" belong to the primitive, univerſal Reli-
367. " gion, and Duty of Men." He yet obſerves,
" My own Judgment is, that theſe prefato-
" ry Words were only intended as Motives
" of Obedience to the firſt Commandment
" immediately ſubjoined."

From theſe Obſervations of Mr. *Foſter*'s it ſhould ſeem, the Laws of the Decalogue are of different Conſideration, as they were given to the *Hebrew* Nation by a particular Promulgation to them, and as the Obligation of the ſame Laws, for other Reaſons, eſpecially ſuch as are moral and univerſal, reach all Men, and equally oblige all Mankind.

Now the Notion of the *Hebrew Theocracy* ſeems to me, only to make this Diſtinction more clear and evident. It was not, as I apprehend, deſigned to aſſert, nor can it, by any proper Inference from it, be ſaid to aſſert, that God was not the *God* of the *Hebrews*, as well as their *King*; or that he was not God over all, and ſupreme Lord of *all the Nations of the Earth*, as well as the ſupreme Civil Magiſtrate of the *Hebrew Nation.*

Indeed the *Throne of the Kingdom of Jehovah over Iſrael*, was different, in many things

things, from his Dominion over the whole World, as ſupreme Governor of all the Nations of the Earth; but it was by no means a Conſequence of that Difference, that becauſe God was in a peculiar Manner the King of *Iſrael*, this excluded any other Character of *Jehovah*, as the true God, or any Rights and Authority veſted in him as the true God, or any Reaſons or Obligations of Obedience to him, whether from the *Hebrew* Nation, or from any other People, as all were equally ſubject to the Dominion of the Sovereign Lord of the whole World.

I think then, the Notion of the *Theocracy* will be greatly miſtaken, when it ſhall be ſuppoſed to ſet aſide any good Reaſons or Motives to Obedience, or to any Act of true Religion or Morality: For though it conſiders God as chief Magiſtrate of the *Hebrew* Nation, and gives therefore his civil and political Authority as one Reaſon for Obedience; yet it alſo receives and allows all other good Reaſons whatſoever, and therefore allows that the ſame Act may be an Act of Irreligion and Immorality, as well as a civil Crime againſt the Authority of the Civil Magiſtrate.

There can be then no Reaſon from the Notion of the *Theocracy*, rightly underſtood, to give this as the full Meaning of the Law of the Decalogue, *Thou ſhalt have no other Gods before Me*; "Becauſe I am thy Civil "Governor, and it would therefore be Trea-

370. " ſon againſt my Perſon, and Rights of my " political Dominion." For this, though one Reaſon, a good and a true Reaſon, yet
371. is not the *only* Reaſon; " His independent " Exiſtence and immutable Dominion over " all Mankind, and the whole rational Crea- " tion," is another. And ſo it may well be, any thing in the Notion of a *Theocracy* to the contrary notwithſtanding.

So that let the Reaſons for this Law be what they will, ſo as to make it a Law of Religion, and of *univerſal* Obligation to the whole World, they will be no ways inconſiſtent with the Doctrine of a *Theocracy*, when itſelf is no ways inconſiſtent with God's original independent Exiſtence, and immutable Dominion over all Mankind, and the whole rational Creation.

The Argument from a *Theocracy* ſhould then be conſidered, as I think, accumulative only, as taking nothing away from any Character of God, as the true God, and Object of religious Worſhip, or as the Supreme Lord and Governor of the World; but God, for wiſe Ends, and worthy his Goodneſs, was pleaſed to condeſcend to take upon himſelf a more immediate Adminiſtration of the Civil Government of the *Hebrew* Nation. It matters very little how this ſhall be repreſented: If ſome are better pleaſed with repreſenting it thus, " That God, as the univerſal " Governor of Mankind, exerciſed a parti- " cular

" cular Providence over this ſelected and " highly favoured Nation." Be it ſo; provided this particular Providence be underſtood to mean what it really was in Fact, an Adminiſtration of the Civil Government of the *Hebrew* Nation, in ſuch manner, that it may be truly ſaid of it, with the *Pſalmiſt*, *He hath not dealt ſo with any other Nation.* Pſ. cxlvii. 20.

Moreover, this Notion of the *Theocracy* no way derogates from any Perfection of God's univerſal Providence, or any Exerciſe of his Authority as univerſal Governor of Mankind; on the contrary, this particular Providence to the *Hebrew* Nation ſhew'd a very merciful and wiſe Diſpenſation of general Providence, to preſerve the Knowledge and Worſhip of the true God in the World, and prevent it from being utterly loſt from the Face of the whole Earth: So that the very Notion of the *Theocracy*, ſhews an ultimate Deſign to promote, not an abſtracted, but a general Good, (not any private Good, in Oppoſition to a general Good, or even without a Deſign and Fitneſs to promote it.) Such a Suppoſition, being ſolely founded on a Miſtake of the true Notion of a *Theocracy*, can neither obſcure it, or invalidate it, as Mr. *Foſter* thinks it does.

Mr. *Foſter* makes it a Queſtion, " Whe- 372.
" ther the Hiſtory given of the *Hebrew* Peo-
" ple, their Conſtitution and Laws, ——
" neceſſarily conſtitutes any ſuch parti-

" cular Relation, and Bond of Union, as is " here ſuppoſed;" or which is the true Meaning of it, whether *Jehovah* was properly the King of *Iſrael*, or ſupreme Civil Magiſtrate of the *Hebrew* Nation.

" The Hiſtory given of the *Hebrew* Peo- " ple, it is alledged, ſhews that God had " taken upon him the expreſs Character, " and diſcharged all the Functions of their " ſupreme, civil Ruler. This appears from " being the Founder of their Polity, and " the Compiler of their Laws. He reſided " among them with viſible Marks of Royal " Majeſty; he fought their Battles, ſubdued " their Enemies; in all Matters of Doubt, " where inferior Councils were perplexed, " might be appealed to for Advice, and " when ſubordinate Courts, or Judges of E- " quity, were embarraſs'd in their Reſolu- " tions, for a final Deciſion of Controverſies; " he puniſhed National Corruption, and De- " generacy, and rewarded National Virtue, " and Obedience, the one with temporal " Diſgrace and Calamity, and the other with " Proſperity, and Honour; ſo that they had " no other Head of their political State, to " whom they were obliged abſolutely to " ſubmit, and from whom there was no " Appeal."

Thus Mr. *Foſter* repreſents the Evidence the *Hebrew* Hiſtory gives to the *Theocracy*, or that *Jehovah* was properly the King of *Iſrael.*

Iſrael. Mr. *Foſter* does not deny or queſtion the Truth of theſe Facts, to which many more might be added; in particular, that the Laws of that Nation, ſettled by *Jehovah*, were unalterable, nor was there any Power lodged any where in the *Hebrew* State to repeal an old Law, or to make a new one; and that *Jehovah* exerciſed the Right of nominating and removing their Magiſtrates, and for a long Series of Time adminiſtered theſe principal Parts of Government: So that a *Theocracy*, or that God acted as King of *Iſrael*, is repreſented as interwoven into the *Hebrew* Conſtitution, and eſſential to it. Now ſuppoſing theſe hiſtorical Facts to be true, they neceſſarily conſtitute ſuch a particular Relation and Bond of Union, as is ſuppoſed in the *Theocracy*. For theſe Acts of Civil Authority, are all the Acts of the legiſlative or executive Civil Powers, which in any State conſtitute the ſupreme, Civil Authority, and is the true Meaning of the *Majeſtas Imperii*. Theſe all were placed by the *Hebrew* Conſtitution in *Jehovah*, were all uſed and exerciſed by him. Theſe Facts ſhew evidently that *Jehovah* was ſo the King of *Iſrael*, and in ſuch a particular Relation to that Nation, as he was not to any other People or Nation of the Earth.

It may, however, be ſtill uſefully obſerved, as the Defenders of the *Theocracy* have themſelves pointed it out to Obſervation, that

this particular Providence to the *Hebrews*, is no ways contrary to any general good Deſign to the whole World, but manifeſtly in Aid of one good Deſign, to prevent the univerſal Corruption of the World, by the Prevalency of Idolatry. This particular Bleſſing to the *Hebrews*, was alſo a general Bleſſing to the Heathen Nations, but neceſſarily conſtituted a particular Relation between *Jehovah* and the *Hebrew* Nation as their King, and as ſuch became the Means of a general
373. Bleſſing to the World in general. Mr. *Foſter* is pleas'd further to obſerve on the Notion of the *Hebrew Theocracy*, " That ſuppoſing the " theocratical Form of Government among " the *Jews*, to be a Point inconteſtible, it " ſeems ſcarce capable of affording a full and " ſatisfactory Anſwer to the Objection raiſed " againſt the *Hebrew* Law, for devoting I- " dolaters to Death." Mr. *Foſter*'s Reaſon is this, " When the People of *Iſrael*, fond of " Novelty, and of imitating the Cuſtoms of " other Nations, were ſtubbornly, and in- " flexibly reſolved, notwithſtanding all the " Remonſtrances of the Prophet *Samuel* to " the contrary, to have a viſible and mortal " King, God upon this Occaſion declared, " *That they had rejected him, that he ſhould*
1 Sam. viii. 7. " *not reign over them.* And as his former " political Reign is founded on a ſuppoſed " Contract between the Almighty Sovereign " and his People, that original Contract be-

" ing

" ing now ſolemnly renounced on the Part " of the People, there muſt of courſe be a " Diſſolution or End of the *Theocracy*. And " yet Idolatry was ſtill deemed a capital Of- " fence, and puniſhed as ſuch; and the Pu- " niſhment itſelf was without Doubt, de- " ſigned to be continued, as long as the *Mo- " ſaic* Conſtitution and Body of Laws con- " tinued Authoritative, and in Force."

This Inference of Mr. *Foſter*'s is attended with two conſiderable Difficulties: *Firſt*, That it is contrary to Fact, for the *Theocracy* was not diſſolved, and did not come to an End by obtaining a King inſtead of a Judge, according to the original Conſtitution. And, *Secondly*, That the Reaſon aſſigned for the Diſſolution of the *Theocracy* does not infer it.

As to the Caſe in Fact, the Change of the Magiſtracy of Judges into the Magiſtracy of Kings, was an Alteration in the Government, and ſome Kind of Breach of the Conſtitution, but not a Diſſolution of it. The other Parts of the Conſtitution remained as they were; their Laws received no Alteration, but ſtood ſtill on the ſame Authority of *Jehovah*'s legiſlative Power. His Authority, as ſupreme Magiſtrate, appeared ſtill, in nominating, and even removing their Kings, and in giving them Directions by the Oracle, and often puniſhing them for their Miſcarriages. Many Inſtances in the *Hebrew* Hiſtory, after this Change in the lower Part of the Govern-

ment, evidently ſhew that the ſupreme Powers and Authority were ſtill reſerved in the Hands of *Jehovah*.

In what lower Senſe ſoever, this raſh Deſire of the People, to have Kings inſtead of Judges, may be ſaid, *to reject God that he ſhould not reign over them*, it muſt only mean ſome Breach of the Conſtitution, but not a Diſſolution of it. They did not renounce all Allegiance to *Jehovah*, nor was *Jehovah* depoſed from his ſupreme Authority, nor did he himſelf abdicate it.

Conſider the whole Tranſaction itſelf, and there will appear a great Regard to the Conſtitution, even when the *Iſraelites* deſired this Alteration: The Elders of the People moved it by Petition to the Judge; the Judge lays the Petition before *Jehovah*; *Jehovah* anſwers the Judge, and conſents to it: *And*
1 Sam. viii. 7. *the Lord ſaid unto* Samuel, *hearken unto the People, in all they ſay unto thee.*

It was a raſh and inſolent Demand of the People, and juſtly blamed as diſhonourable to the Wiſdom and Authority of the Conſtitution, as well as dangerous to their own Liberties and Happineſs, yet the Goodneſs of God ſaw fit to grant the Petition. It was wiſe to prevent many more, and greater Evils by this Condeſcention. If the Petition for a King had been rejected, the People might in their Raſhneſs have thrown off the Law itſelf, and conformed to all the idolatrous

Cuſtoms of their Neighbours, as well as to this Cuſtom of the Nations, of having a King: So that in this Grant of the Peoples Petition, in Part they are puniſhed, by permitting an Alteration to their own Hurt, as is afterwards proved in Experience, and which was foretold to them, when *Samuel* ſhewed them *the Manner of the King that ſhould reign over them*; and in part they were prevented from a total Apoſtacy, and the Conſtitution was preſerved from a Diſſolution. It is manifeſt then the *Theocracy* remaining in Fact, the Laws againſt Idolatry actually ſtood upon the ſame Foot after this Alteration in the *Hebrew* Government as it did before. For indeed the *Majeſtas Imperii* was never placed in the Kings, but ever reſided in the Hands of *Jehovah*, as well after that Alteration as before. But ſuppoſing the original Compact to have been ſolemnly renounced, and therewith all Allegiance to *Jehovah* as King, which in Fact it was not, how does it appear, "That "the original Compact being ſolemnly re- "nounced on the Part of the People, there "muſt of courſe be a Diſſolution, or End of "the *Theocracy*," as Mr. *Foſter* reaſons? 374.

1 Sam. viii. 10.

There is good Reaſon, that where one Party to a Covenant refuſes to perform what is agreed on his Part, he forfeits for himſelf the Right of demanding the Performance of what was agreed by the other Party, and promiſed to him by the Compact. But there

can be no good Reaſon, why one Party forfeiting his own Rights, ſhould thereby extinguiſh the Rights of the other Party. Was it ever a Maxim of Law or Equity, that the unlawful Rebellion of a People, could extinguiſh the lawful Powers or Authority of their Prince? or that when a Compact between two Parties was agreed to, and perfected, it remained ſtill in the Will of either Party ſingly, to annul it, without the Conſent of the other. The *Iſraelites* in renouncing *Jehovah* as their King, could not annul his Authority, or his Right by the original Compact; however they might forfeit their own Rights by their own Miſdemeanours, they are no good Reaſon ſure to extinguiſh the Right of their King. It is then very far from a good Reaſon, "That the original Com-"pact being now ſolemnly renounced on "the Part of the People, there muſt of courſe "be a Diſſolution, or End of the *Theocracy*," becauſe it was not in the Power of the People, by any Act of theirs, as a ſingle Party to the Compact, to put an End to it; for it would have really been no Compact at all, if either Party might have put an End to it, whenever they pleaſed, through Raſhneſs, Humour, or any other Motive. Compacts can be diſſolved only by mutual Conſent of both, or, which amounts to mutual Conſent, when one Party diſcharges the Obligation of the other Party, by refuſing to perform his Part

Part of the Compact, and the other Party accepts the Diſcharge, and declares himſelf free from all Obligations by it.

However, Mr. *Foſter* ſetting aſide this Notion of a *Theocracy*, propoſes another in the Room of it. "We muſt therefore, I think, "ſeek for ſome other Principle (he ſays) "by the Help of which to explain, and re-"ſolve this Difficulty. A political Princi-"ple (he allows) it muſt be, ſince mere "Conſcience and religious Error are not the "proper Subjects of religious Laws, and I "know of no other that can be ſubſtituted "in the Room of that which I have now "rejected, as too uncertain and weakly ſup-"ported, but this, that Idolatry was pu-"niſhed as High-Treaſon againſt the *State*, 374. "and not againſt the Perſon and Majeſty of 375. "the King of the *Jews*."

It is not eaſy to conceive what great Difference there is, in our preſent Queſtion at leaſt, between High-Treaſon againſt the *Hebrew* State, and againſt the Perſon and Majeſty of the King of the *Jews*. For what Mr. *Foſter* calls the Majeſty of the King of the *Jews*, was indeed no other than the ſupreme Authority of Government in the *Hebrew* Nation, which with political Writers is much the ſame Thing as the State. High-Treaſon againſt one is really High-Treaſon againſt both. For any Attempt againſt the ſupreme Authority of any Nation, is an At-

tempt againſt the State, and muſt tend to deprive the Nation of all the Bleſſings that Government procured for them, and beſtowed upon them. High-Treaſon is properly the ſame Crime in all Governments; however,
375. Mr. *Foſter* may ſuppoſe, "That what is "High Treaſon in a kingly Government, is "not ſo in a Common-wealth." Treaſon is properly defined *Crimen læſæ Majeſtatis*, a Crime againſt the Authority and Majeſty of the Government, or ſupreme Magiſtracy; or the Perſons in whoſe Hands the ſupreme Adminiſtration of the Government is lodged, ſubject to no Superiour. This Majeſty of Empire is the ſame, is veſted with the ſame Authority and Powers, whether placed in one Hand, or in a few Hands, or in the Hands of a whole Community, whatever tends directly to ſubvert the fundamental Conſtitution of any Form of Government, be it Kingdom or Common-wealth, is an Attempt againſt the Majeſty of the Government, or *Crimen læſæ Majeſtatis*, and as ſuch, High-Treaſon. Mr. *Foſter* very juſtly obſerves, "Whatever "defeats, ſo far as it prevails, the ultimate "End, and directly ſubverts the fundamen-"tal Principles of any particular Form of "Government, muſt be, in the Nature of "Things, (if the End be good, and the Go-"vernment rightly conſtituted) a capital "Offence." In this View it appears to me, that Treaſon againſt the State, and againſt the

the Perſon and Majeſty of the King of the *Jews*, is ſo very nearly one and the ſame Crime, that there is ſcarce any perceivable Difference between them. It will appear that Idolatry is Treaſon againſt the State of *Iſrael*, becauſe it is Treaſon againſt the King of *Iſrael*, all the Ends of the *Hebrew* Government depending upon the Support of the chief Authority of the King of *Iſrael*, foraſmuch as to deſtroy that Authority, was the ſame Thing as to deſtroy that Government it ſelf.

I could have wiſh'd Mr. *Foſter* had left the *Hebrew Theocracy* to have ſhifted for itſelf, on another Account. It might have given ſome Aſſiſtance to his own Reaſon, and without ſome Aſſiſtance from the *Theocracy*, his own Reaſon, which he puts in the Room of it, will, I fear, be found, on cloſer Examination, to be no Reaſon at all. Mr. *Foſter* ſuppoſes the true Reaſon why Idolatry was puniſhed, "Was as High-"Treaſon againſt the State, and not a-"gainſt the Perſon and Majeſty of the "King of the *Jews*." But how is Idolatry High-Treaſon againſt the State? It is not ſo, Mr. *Foſter* allows, as a ſpeculative Doctrine, not as a general Law of Religion to all Mankind; for thus he obſerves, the "Offender renders himſelf accountable to "God alone;" and if the Prohibition of Idolatry had been thus as an univerſal Law of Reli-

Religion, High-Treaſon againſt the *Hebrew* State, it would have been, for the ſame Reaſon, High-Treaſon againſt every State. Mr. *Foſter* is very ſenſible, to conſtitute High-Treaſon, it muſt be conſidered as a political Principle, ſince, as he obſerves, "Mere Con-
374. "ſcience and religious Error are not the pro-
"per Subjects of religious Laws." What then is this political Principle with Mr. *Foſter?* "It is the End for which the Con-
"ſtitution of the *Jews* was formed, *viz.* to
375. "prevent their being over-run with Idola-
"try: . . And as the judicial Laws in that
"Scheme of Government were admirably a-
"dapted to ſubſerve and advance this wiſe
"and gracious End, it neceſſarily follows,
"that Idolatry, which would have fruſtrated
"the whole Deſign of the Conſtitution, and
"have entirely diſſolved and deſtroyed it,
"muſt, upon the ſame Reaſons that are al-
"lowed to be juſt in all other Policy, have
376. "deſerved capital Puniſhment."

This is the very Argument from the *Theocracy*, or a Conſideration of the *Hebrew* State as the Kingdom of God. This State of the *Hebrew* Government is as fully aſſerted, and I think more clearly, when God is conſidered the Supreme Civil Magiſtrate, and Founder of their Conſtitution and State.

Set aſide this Foundation of the *Hebrew* State, and it will be difficult to find any Foundation for it at all. In Fact, the *Hebrew* State

State was formed, and the judicial Laws in that Government were given by *Jehovah*, as King of *Iſrael*, in virtue of his ſupreme Authority, as chief Magiſtrate; they were not ſettled and enacted by the Authority of *Moſes*, or the *Sanhedrim*, or the Congregation, either ſeparately, or jointly. This ſeems, in Fact, the evident Foundation of the *Hebrew* State; and therefore the *Hebrew* State itſelf appears a Creature of the *Theocracy*, and High-Treaſon againſt the State will be found finally to recur into High-Treaſon againſt the Majeſty of the King of *Iſrael*, the Founder and chief Magiſtrate of their State.

I heartily wiſh, for the Credit of Revelation, there may always be a ready Anſwer to all Objections againſt the *Hebrew* Laws. I think the *Theocracy* is evident in fact, in a long Series of Facts interwoven into the whole Hiſtory of the Adminiſtration of the *Hebrew* Government; many more Facts than could have been expected to prove a Point of Hiſtory of ſo remote Antiquity, and where the hiſtorical Records are ſo few. If the *Hebrew* Government was a *Theocracy* (as I can yet ſee no Reaſon to queſtion it) the Argument to prove Idolatry a capital Crime, as High-Treaſon againſt the ſupreme Civil Magiſtracy, is plain, eaſy, and concluſive: But ſet the *Theocracy* aſide, and it will be doubtful how the Prevention of Idolatry came to be the *End* of the *Hebrew* Government, either in Reaſon, Authority, or Fact. It may be

be prudent then to preſerve the Argument from the *Hebrew Theocracy*, leſt we ſhould loſe the Argument from the *Jewiſh State* together with it, and ſo be left at laſt without any good Reaſon at all, whereby to anſwer this common Objection againſt the *Hebrew* Lawsand Conſtitution, a Conſequence which every true Friend of Revelation would be very careful to prevent.

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